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Oceans and the law of the sea

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General

Summary

The present report is prepared in response to paragraph 118 of General Assembly resolution 62/177. It contains information on steps and initiatives taken or recommended by the international community to improve the conservation and management of fishery resources and other marine living resources with a view to achieving sustainable fisheries and protecting vulnerable marine ecosystems and biodiversity.

The report is based on information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, subregional and regional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations.

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The report emphasizes the importance of the full implementation by States of all international fishery instruments, whether legally binding or voluntary, which promote the conservation and management and sustainable use of marine living resources. It also emphasizes the importance of cooperation among States, directly or through subregional and regional fisheries management organizations or arrangements (RFMO/As) to address unsustainable fishing practices and promote sustainable fisheries in areas beyond national jurisdiction, including through implementing their responsibilities as flag States, improving governance of RFMO/As, and cooperating in the establishment of new organizations or arrangements where none exist.

In accordance with the Terms of Reference of the Assistance Fund established under part VII of the United Nations Fish Stocks Agreement, a brief report on the status and activities of the Fund is also included.

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Abbreviations

APEC	Asia-Pacific Economic Cooperation
APFIC	Asia-Pacific Fishery Commission
ASEAN	Association of Southeast Asian Nations
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
COFI	FAO Committee on Fisheries
CRFM	Caribbean Regional Fisheries Mechanism
CWP	Coordinating Working Party on Fisheries Statistics
EC	European Community
EEZ	Exclusive economic zone
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FFA	South Pacific Forum Fisheries Agency
GEF	Global Environment Facility
GFCM	General Fisheries Commission for the Mediterranean
GPA	Global Programme of Action for the Protection of the Marine Environment from Land-based Activities
HELCOM	Baltic Marine Environment Protection Commission
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
ICFA	International Coalition of Fisheries Associations
ILO	International Labour Organization
IMO	International Maritime Organization

IPOA-Capacity	International Plan of Action for the Management of Fishing Capacity
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IPOA-Seabirds	International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries
IPOA-Sharks	International Plan of Action For the Conservation and Management of Sharks
IUU fishing	Illegal, unreported and unregulated fishing
IWC	International Whaling Commission
MCS	Monitoring, control and surveillance
MSC	Marine Stewardship Council
MPA	Marine protected area
MARPOL 73/78	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978
NACA	Network of Aquaculture Centres in Asia and the Pacific
NAFO	Northwest Atlantic Fisheries Organization
NOAA	National Oceanic and Atmospheric Administration
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	North East Atlantic Fisheries Commission
NPAFC	North Pacific Anadromous Fish Commission
RECOFI	Regional Commission for Fisheries
RFBs	Regional fishery bodies
RSPs	Regional seas programmes
RFMO/A	Regional fisheries management organization or arrangement
SEAFDEC	Southeast Asian Fisheries Development Center
SEAFO	South East Atlantic Fisheries Organization
SIOFA	South Indian Ocean Fisheries Agreement
SPRFMO	South Pacific Regional Fisheries Management Organization

SWIOFC	South West Indian Ocean Fisheries Commission
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
VME	Vulnerable marine ecosystem
VMS	Vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission

I. Introduction

1. In its resolution 62/177, the General Assembly reaffirmed the importance of achieving sustainable fisheries through the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas, and the obligations of States to cooperate to that end, in accordance with international law, as reflected in the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS) and related international fisheries instruments.

2. The General Assembly also called upon all States that had not done so to become parties to UNCLOS, which sets out the legal framework within which all activities in the oceans and seas must be carried out, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement)[1] and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the Compliance Agreement),[2] and to fully implement their provisions.

3. In addition, the General Assembly agreed on actions that need to be taken and issues that need to be addressed by the international community to achieve sustainable fisheries. The Assembly urged the international community to improve the governance of the world's fisheries and address unsustainable fishing practices that had adverse impacts on the conservation and sustainable use of fishery resources, as well as the protection of vulnerable marine ecosystems (VMEs) and the biodiversity they contain. The Assembly, therefore, requested the Secretary-General to bring resolution 62/177 to the attention of all members of the international community, and to invite them to provide information on measures they had taken to ensure its implementation.

4. Accordingly, the Secretary-General circulated a questionnaire to States, relevant specialized agencies, and other appropriate organs, organizations and programmes of the United Nations system, subregional and regional fisheries management organizations and arrangements (RFMO/As), as well as other relevant intergovernmental bodies and non-governmental organizations (NGOs), soliciting their input on issues raised in the resolution. The present report is based upon replies received by the Secretary-General, for which he expresses his appreciation (see list of respondents in annex I to the present report).

II. Achieving sustainable fisheries

5. The international community faces a significant challenge in achieving the sustainable use of fishery resources when the level of demand for the resources has increased beyond what the marine environment can supply. Most of the world's main capture fisheries have reached their maximum potential, with over 75 per cent

[1] United Nations, *Treaty Series*, vol. 2167, No. 37924.

[2] Ibid., vol. 2221, No. 39486.

of world fish stocks estimated to be either fully exploited or overexploited.[3] Impediments to the sustainable development of fisheries also persist in virtually all fishing areas of the world, including overfishing, overcapacity and illegal, unreported and unregulated fishing (IUU fishing).[4] At the same time, demand for fish products has increased and is expected to increase as a result of population growth and further expansion of trade.[5] Ensuring the sustainable development of fisheries resources thus remains a serious concern and a significant challenge.

6. In order to respond to resolution 62/177, in which the Assembly invited the international community to promote sustainable fisheries, many respondents were giving priority to the application of the Johannesburg Plan of Implementation of the World Summit on Sustainable Development in relation to achieving sustainable fisheries (Algeria, Cambodia, Canada, European Community (EC), Kuwait, Latvia, Morocco, New Zealand, Norway, Poland, Qatar, Senegal, United States, Yemen), including by developing recovery plans to rebuild fish stocks. Many respondents were also taking action to apply the precautionary approach (Algeria, Cambodia, Canada, Latvia, Mexico, Morocco, New Zealand, Norway, Poland, Senegal, United States, Bolivarian Republic of Venezuela) and an ecosystem approach to the conservation, management and exploitation of fish stocks (Cambodia, Canada, EC, Kuwait, Latvia, Mexico, Morocco, New Zealand, Norway, Poland, Senegal, United States), and adopt and implement conservation and management measures that address, inter alia, by-catch, pollution, overfishing, or destructive fishing practices and protection of habitats of specific concern (Cambodia, Canada, EC, Kuwait, Latvia, Mexico, Morocco, New Zealand, Norway, Qatar, United States, Yemen). In addition, several States were taking action to ensure compliance by their flag vessels

[3] See A/62/260, paras. 5-6. The Food and Agriculture Organization of the United Nations (FAO) estimated that more than 75 per cent of world fish stocks were already fully exploited or overexploited, confirming earlier observations that the maximum wild capture fishery potential from the world's oceans had probably been reached. Those findings also reinforced calls for more cautious and effective fisheries management to rebuild depleted stocks and prevent the decline of stocks being exploited at or close to their maximum potential. The situation was more critical for some highly migratory, straddling and other fishery resources that were exploited solely or partially in the high seas, in particular, straddling stocks and highly migratory oceanic sharks.

[4] The Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (Ad Hoc Open-ended Informal Working Group), which met at United Nations Headquarters in New York, from 28 April to 2 May 2008, identified certain anthropogenic impacts on marine biodiversity beyond areas of national jurisdiction that required particular attention, including impacts caused by unsustainable fishing activities, such as overfishing, overcapacity, by-catch, destructive fishing practices, and IUU fishing (see A/63/79, para. 13).

[5] FAO website at: http://www.fao.org/fishery/topic/2883/en. The value of world exports of fish and fish products grew 9.5 per cent in 2006 to US$ 86 billion and nearly 7 per cent in 2007 to $92 billion, with developing States accounting for 50 per cent of all fish exports. The proportion of world fish production traded internationally represented 38 per cent of the total, or 55 million tons (see FAO News Release 2 June 2008, available from http://www.fao.org/newsroom/en/news/2008/1000850/index.html). The eleventh session of the FAO Subcommittee on Fish Trade (2-6 June 2008, Bremen, Germany) endorsed a set of technical guidelines aimed at promoting responsible international trade in fish and fishery products, which were intended to ensure that international trade in fish and fishery products did not compromise the sustainable development of fisheries and responsible utilization of living aquatic resources (see FAO News Release 17 June 2008, available from http://www.fao.org/newsroom/en/news/2008/1000867/index.html).

with conservation and management measures on the high seas (Algeria, Canada, Kuwait, Latvia, Morocco, New Zealand, Norway, United States).

7. The important role of science was being promoted in many forums and several States were increasing their reliance on scientific advice in developing conservation and management measures (Algeria, Canada, Latvia, Lebanon, Mexico, Morocco, New Zealand, Norway, Oman, Senegal, United States, Yemen). Catch and effort reporting programmes were being implemented or improved (Algeria, Latvia, Morocco, New Zealand, Norway, Oman, Poland, Senegal, Suriname, United States), and observer programmes were also being developed or implemented to improve data collection (Latvia, New Zealand, Norway, Poland, Senegal, United States, Yemen). Many RFMOs were collecting and reporting catch and effort data and other fishery-related information to support scientific and management processes,[6] and several States and RFMOs were supporting the implementation and development of the FAO Fishery Resources Monitoring System (FIRMS) initiative.[7]

8. In addition, many respondents were taking steps to ensure the long-term conservation, management and sustainable use of shark stocks (Cambodia, Canada, EC, Latvia, Mexico, Morocco, New Zealand, Norway, Oman, Poland, Qatar, Senegal, United States, Bolivarian Republic of Venezuela, Yemen), including by prohibiting or restricting fisheries conducted solely to harvest shark fins, or requiring sharks to be landed with their fins naturally attached (Canada, Mexico, New Zealand, Oman, United States, Bolivarian Republic of Venezuela, Yemen).

9. Some States were giving priority to the importance of eliminating barriers to trade in fish and fisheries products (Canada, Latvia, Morocco, New Zealand, Oman, Qatar, United States, Bolivarian Republic of Venezuela). States and relevant intergovernmental organizations were also taking measures to provide for the participation of small-scale fishery stakeholders in related policy development and fisheries management strategies.[8]

III. Implementation of international instruments for the long-term conservation, management and sustainable use of fishery resources

10. The adoption of international instruments, whether voluntary or legally binding, is not sufficient to ensure the conservation and sustainable use of fisheries resources. To be effective, international instruments must be implemented comprehensively through concrete measures at the national, subregional and regional levels.

[6] CCSBT, GFCM, IATTC, NAFO, NASCO, NEAFC, SEAFDEC, SEAFO, SPRFMO, WCPFC.

[7] Norway, Poland, United States, GFCM, IATTC, ICCAT, NAFO, NEAFC, SEAFDEC, SEAFO, SPRFMO, WCPFC.

[8] Cambodia, Canada, Latvia, Morocco, New Zealand, Norway, Qatar, Suriname, United States, Bolivarian Republic of Venezuela, Yemen, FAO, GEF, HELCOM, IWC, OECD, UNEP.

A. Implementation of the United Nations Fish Stocks Agreement

11. The 1995 United Nations Fish Stocks Agreement is considered to be the most important multilateral legally binding instrument for the conservation and management of high seas fisheries since the adoption of UNCLOS in 1982. Its objective is to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks through effective implementation of the relevant provisions of UNCLOS.

12. As at 30 June 2008, the number of parties to the Agreement, including the European Community, was 71. Since the Review Conference on the Agreement was held in May 2006, 14 States have ratified or acceded to the Agreement.[9]

1. Implementation of relevant provisions of the Agreement

(a) Harmonization of national legislation by States parties and implementation of relevant provisions of the Agreement in regional organizations and arrangements

13. A number of States parties (Canada, EC, Latvia, New Zealand, Norway, Poland, United States) reported on the steps taken to harmonize their national legislation with the Agreement (see also A/62/260, para. 15). Latvia and Poland, which are both member States of EC, indicated that they achieved harmonization of their national legislation with the Agreement through implementation of European Union (EU) Council and European Commission regulations. Oman, which became a State party on 13 June 2008, reported that its existing fishery laws included provisions, consistent with the provisions of UNCLOS, regarding the measures that should be taken to conserve shared fish stocks, straddling fish stocks and highly migratory fish stocks.

14. A number of States which are not party to the Agreement also reported on steps they had taken concerning the conservation and management of straddling fish stocks and highly migratory fish stocks. Bahrain indicated that it had implemented accepted principles of the law of the sea with respect to the conservation and management of straddling fish stocks and highly migratory fish stocks and, in that regard, it was carrying out research concerning King Mackerel, a highly migratory species. Kuwait reported that provisions of the Agreement relating to conservation measures were being applied under its national regulations to protect its marine living resources. Suriname reported that studies had been initiated through the Caribbean Regional Fisheries Mechanism (CRFM), in connection with the conservation and management of straddling fish stocks and highly migratory fish stocks.

15. Qatar stated that it had signed bilateral agreements with Bahrain and the United Kingdom of Great Britain and Northern Ireland on sustainable development and the conservation and management of straddling fish stocks and highly migratory fish stocks. Cambodia reported that it had implemented some parts of the

[9] For a list of the parties to the Agreement, see http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. The States which have become parties to the Agreement since the Review Conference are, in chronological order, Slovenia, Estonia, Japan, Trinidad and Tobago, Niue, Bulgaria, Latvia, Lithuania, Czech Republic, Romania, Republic of Korea, Palau, Oman and Hungary.

Agreement, in particular through cooperation with RFMO/As, FAO, the United Nations Environment Programme (UNEP) and other organizations. Mexico stated that it complied with most of the provisions of the Agreement with a view to ensuring the appropriate use of fishery resources on the high seas.

(b) Flag State duties to ensure compliance with international conservation and management measures

16. Article 18 of the Agreement sets out the duties of flag States parties whose vessels fish on the high seas. Many respondents, including non-parties (Cambodia, Canada, Latvia, Mexico, New Zealand, Norway, Poland, Qatar, Senegal, United States, Yemen), reported that they had incorporated some or all of the provisions of article 18 of the Agreement into their domestic legislation (see also A/60/189, paras. 6-10; A/CONF.210/2006/1, paras. 267-273; and A/62/260, paras. 17-18). The Bolivarian Republic of Venezuela, which is not party to the Agreement, stated that its obligations as a member of RFMO/As included the obligation to ensure that its vessels complied with measures adopted by those RFMO/As.

17. Cambodia, which is not a party to the Agreement, reported that it was taking steps to address the failure of fishing vessels flying its flag to comply with relevant obligations under international law. Qatar reported that it was establishing a vessel monitoring system (VMS) scheme to monitor the activities of its fishing vessels.

(c) Bilateral, regional and subregional cooperation in enforcement

18. A number of respondents reported on their efforts to facilitate cooperation at the bilateral, regional and subregional level in the enforcement of regional and subregional conservation and management measures (Cambodia, Canada, Latvia, Mexico, New Zealand, Norway, Poland, Qatar, United States, Bolivarian Republic of Venezuela, Yemen). New Zealand conducted regular maritime surveillance of areas under its national jurisdiction, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Convention area (the Ross Sea), and the exclusive economic zones (EEZs) of Pacific Island States. New Zealand and the Bolivarian Republic of Venezuela emphasized their ongoing work through the framework of RFMO/As with regard to cooperation, and Norway highlighted the enhanced role of the North East Atlantic Fisheries Commission (NEAFC) in relation to enforcement in its regulatory area. Norway and New Zealand stated that they had concluded a number of bilateral enforcement agreements.

19. The United States reported on a number of initiatives to enhance cooperation with respect to enforcement. It pointed out that the International Monitoring, Control and Surveillance Network for Fisheries-Related Activities (MCS Network) had approved a three-year enhancement project to be hosted by the United States. Four staff, including a fisheries analyst and a training officer would be hired. In addition, the United States had concluded a shiprider agreement with Palau and similar agreements were under negotiation with the Federated States of Micronesia and the Marshall Islands. These agreements provided for fisheries enforcement and also for other areas of cooperative enforcement. The United States had also concluded a temporary shiprider agreement with Cape Verde which provided for legal enforcement concerning a range of areas, including fisheries.

(d) High seas boarding and inspection under articles 21 and 22 of the Agreement

20. The Northwest Atlantic Fisheries Organization (NAFO), NEAFC and the Western and Central Pacific Fisheries Commission (WCPFC) reported that procedures for high seas boarding and inspection had been developed pursuant to the Agreement.[10] The International Commission for the Conservation of Atlantic Tunas (ICCAT) referred to its Scheme of Joint International Inspection, adopted in 1975, which provided for international control in areas beyond national jurisdiction for the purpose of ensuring the application of the ICCAT Convention. Each contracting party had agreed to implement the inspection scheme under the framework of the multi-annual management for Eastern Atlantic and Mediterranean bluefin tuna.

21. The South East Atlantic Fisheries Organization (SEAFO) reported that, under article 16 of the SEAFO Convention, its system of observation, inspection, compliance and enforcement was to comprise of, inter alia, an inspection programme, including procedures for boarding and inspection of vessels, on a reciprocal basis. While some of its monitoring, control and surveillance (MCS) measures had been developed, other measures, such as boarding and inspection procedures were still being developed. The General Fisheries Commission for the Mediterranean (GFCM) stated that it was likely that high seas boarding and inspection procedures would be developed in the future. The interim secretariat for the proposed South Pacific Regional Fisheries Management Organization (SPRFMO) reported that the draft text of the Convention included procedures for boarding and inspection which were consistent with the Agreement.

22. IATTC stated that it had introduced measures to ensure compliance with its conservation and management regulations, including 100-per cent observer coverage on large tuna purse seine vessels.

23. **Implementation of article 21, paragraph 4 of the Agreement** (see also A/62/260, para. 20). Article 21, paragraph 4, requires inspecting States, prior to undertaking boarding and inspection of fishing vessels flying the flag of other States parties to the Agreement, to inform all States whose vessels fish on the high seas in the relevant subregion or region of the form of identification issued to their duly authorized inspectors. Further, at the time of becoming a party to the Agreement, States parties are required to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant RFMO/As.

24. New Zealand reported that the WCPFC was the only RFMO of which it was a member that had adopted high seas boarding and inspection procedures in accordance with articles 21 and 22 of the Agreement, and that it had informed other States and entities whose vessels fish in the Convention area of the form of identification issued to New Zealand high seas inspectors. The form of identification was available on the website of WCPFC (http://www.wcpfc.int/). Within the context

[10] See NAFO Conservation and Enforcement Measures, chap. IV, available from http://www.nafo.int/fisheries/CEM/chapter4.html; NEAFC Scheme of Control and Enforcement, chap. IV, arts. 15-19, available from http://www.neafc.org/measures/docs/scheme_2007.pdf; and WCPFC Conservation and Management Measure 2006-08 entitled "Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures", available from http://www.wcpfc.int/.

of WCPFC, New Zealand had designated the Ministry of Fisheries as the appropriate authority to receive notifications under article 21. Poland reported that its inspectors carried identification badges based on the models specified by relevant RMFO/As, and appropriate notifications had been made to those RFMO/As in agreement with the competent EC bodies. The United States stated that the National Oceanic and Atmospheric Administration (NOAA) was the designated agency to receive notifications pursuant to article 21 of the Agreement.

25. **Conservation and management of discrete high seas fish stocks.**[11] New Zealand reported that the proposed SPRFMO would be responsible for the conservation and management of non-highly migratory species, including discrete high seas fish stocks. This would fill a gap in the management of fishery resources in the high seas in the South Pacific Ocean. Precautionary interim measures for pelagic and bottom fisheries were adopted by participants at the third international meeting on the establishment of SPRFMO held in Reñaca, Chile, from 30 April to 4 May 2007. Those measures were complemented by standards on data collection and reporting, observer programmes, VMS and benthic assessments.

26. The United States reported that the recent measures adopted by CCAMLR restricting the use of bottom contact fishing gear in areas with VMEs had benefited demersal species, for example toothfish, found in those ecosystems. Further, the United States had unilaterally enacted a regulation which prohibited imports of toothfish unless electronic VMS and catch documentation scheme requirements were met.

2. Implementation of the outcome of the Review Conference

27. The Review Conference on the Agreement, held in New York in May 2006, adopted a number of recommendations to States regarding the following topics: conservation and management of stocks; mechanisms for international cooperation and non-members; MCS and compliance and enforcement; and developing States and non-parties (see A/CONF.210/2006/15, annex, paras. 18, 32, 43 and 55). In paragraph 28 of resolution 62/177, the General Assembly encouraged States, individually and, as appropriate, through RFMO/As, to implement those recommendations.

28. **Measures taken by States**. Canada, Latvia, New Zealand, Norway and the United States provided information regarding the implementation of the recommendations of the Review Conference (see also A/62/260, paras. 25-26). New Zealand reported that it had worked to ensure that the recommendations were incorporated into fisheries instruments, such as General Assembly resolution 62/177, and the work of international fisheries-related forums, such as FAO. The United States indicated that it supported the work of ICCAT, CCAMLR and the North Atlantic Salmon Conservation Organization (NASCO) to assess their performance and the work of IATTC and NAFO to improve and strengthen their mandates. It also provided strong support to the recent work of FAO to develop technical guidelines for the management of deep sea fisheries on the high seas, including standards and criteria for identifying VMEs and the impacts of fishing on such ecosystems. Canada emphasized the role of the Informal Consultations of

[11] For information regarding species of discrete high seas fish stocks, see A/CONF.210/2006/1, paras. 104-116. See also A/62/260, paras. 22-23. A number of States reported on this topic, including Canada, Latvia, New Zealand, Norway, Poland, Qatar, Yemen, United States.

States Parties to the Agreement as a forum for discussion of the recommendations of the Review Conference and identifying the priorities for action.

29. **Activities carried out by FAO**. In connection with FAO arrangements with States for the collection and dissemination of data on fishing on the high seas by vessels flying their flag at the subregional and regional levels, FAO reported that, for existing RFMO/As, the Coordinating Working Party on Fisheries Statistics played a pivotal role in reviewing fishery statistics requirements for research, policymaking and management. The Working Party's focus on standard setting was particularly important as a means for promoting and sustaining high standards for its members (see also A/62/260, para. 27).

30. FAO also provided information on the steps it had taken to revise its global fisheries database with a view to providing information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch was taken (ibid., para. 28). At its twenty-second session, in February 2007, the Coordinating Working Party accepted the FAO proposal to develop a global compilation and dissemination system which would enable the dissemination of data obtained from RFMO/As, FAO and others. In 2007, FAO conducted a feasibility study to develop a basic design of the system and to identify potential problems. FAO proposed to develop a prototype of the global system, with funding provided by Japan, and submit it to the Coordinating Working Party at its twenty-third session, in March 2009, for review and feedback from major RFMOs.

3. Seventh round of informal consultations of States parties to the Agreement

31. The seventh round of informal consultations of States parties to the Agreement was held in New York, on 11 and 12 March 2008, with the objective of discussing the implementation of the Agreement at the regional, subregional and global levels, taking into consideration the outcome of the Review Conference as regards proposed means of strengthening the implementation of the Agreement, promoting a wider participation in the Agreement and making any appropriate recommendations to be considered by the General Assembly (see ICSP7/UNFSA/REP/INF.2).

32. At the end of the session, it was agreed to recommend to the General Assembly the following courses of action: (a) to request the Secretary-General to resume in 2010 the Review Conference convened pursuant to article 36 of the Agreement and to begin the necessary preparatory work, and adopt budgetary decisions in that regard; (b) to request the Secretary-General to convene an eighth round of informal consultations in 2009 for a duration of at least four days to consider, inter alia, promoting a wider participation in the Agreement through a continuing dialogue and initial preparatory work for the resumption of the Review Conference, and to make any appropriate recommendation to the General Assembly; (c) to request the Secretary-General to submit to the resumed Review Conference an updated comprehensive report, prepared in cooperation with FAO, in accordance with paragraph 2 of article 36 of the Agreement; and (d) to request the Secretariat, in cooperation with FAO, to compile a comprehensive list of sources of available assistance that could be accessed by developing States to increase their capacity and promote a wider participation in the Agreement.

B. Implementation of fishery instruments of the Food and Agriculture Organization of the United Nations

1. Compliance Agreement of the Food and Agriculture Organization of the United Nations

33. As at 30 June 2008, 36 parties, including the European Community, had accepted the FAO Compliance Agreement (see http://www.fao.org/Legal/treaties/012s-e.htm). Canada, Latvia, Mexico, New Zealand, Norway, Oman and the United States reported on measures they had taken to implement the Compliance Agreement (see also A/62/260, paras. 32-33). Oman stated that it had developed a stringent system to monitor fishing vessels flying its flag, both on the high seas and in areas within its national jurisdiction. Legal measures were taken against vessels which violated the Compliance Agreement. The Bolivarian Republic of Venezuela, which is not a party to the Compliance Agreement, indicated that it had incorporated into its domestic law some parts of the Compliance Agreement relating to the control of fishing vessels flying its flag and operating on the high seas, in order to better conserve and regulate its national marine spaces. Yemen, which is also a non-party to the Compliance Agreement, emphasized that it regulated fishing activities of its nationals and vessels flying its flag, including through the implementation of MCS requirements and the provision of information regarding catch.

2. Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations

34. Cambodia, Canada, Kuwait, Latvia, Mexico, New Zealand, Norway and the United States reported on measures they had taken to implement and promote the FAO Code of Conduct for Responsible Fisheries (Code of Conduct) (see also A/62/260, paras. 34-35; A/60/189, paras. 22-23). In particular, Cambodia reported that it had translated the Code of Conduct and held consultations to promote awareness of the Code of Conduct among Government staff and local fishing communities.

3. International plans of action of the Food and Agriculture Organization of the United Nations

35. Cambodia, Canada, Kuwait, Latvia, Mexico, New Zealand, Norway, Spain, the United States and the Bolivarian Republic of Venezuela reported on the adoption of national plans of action to implement the FAO international plans of action (IPOAs) adopted within the framework of the Code of Conduct (see also A/62/260, para. 36). Further information on issues relating to the implementation of the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity), and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds) is provided in sections II and V of the present report.

36. Canada reported that it had developed national plans of action to implement the IPOA-Sharks, IPOA-IUU and IPOA-Capacity. With particular reference to the IPOA-Sharks, Cambodia, New Zealand, the United States and the Bolivarian

Republic of Venezuela reported that they had already adopted a national plan of action on sharks. Cambodia indicated that it was collaborating with the Association of Southeast Asian Nations (ASEAN)-Southeast Asian Fisheries Development Center (SEAFDEC) in connection with studies and research on shark management issues. The United States pointed out that it had provided technical assistance and capacity-building to help other countries develop national plans of action on sharks. It had also promoted shark conservation and management measures and the implementation of the IPOA-Sharks in RFMO/As in which it participated.

IV. Promoting responsible fisheries in the marine ecosystem

37. Promoting responsible fisheries will help to ensure that fisheries resources will continue to provide important nutritional, economic, social, environmental and cultural benefits for both present and future generations. States must conserve and manage marine living resources in an effective manner, recognizing the importance of fisheries and the interests of those involved in the fishery sector, while at the same time taking into account the biological characteristics of the resources, the interdependence between the harvested species and associated and dependent species, as well as the importance of marine ecosystems, including VMEs, as habitats for many fish species and other components of marine biodiversity. Measures need to be taken in this regard to avoid the adverse impacts of fishing on the marine environment, maintain the integrity of marine ecosystems, and minimize the risk of long-term or irreversible effects of fishing operations.[12]

38. There is also a need to improve cooperation and coordination to further promote responsible fisheries in the marine ecosystem and provide international partnerships and funding for capacity-building in developing States, for example, through the establishment of research programmes on ways and means to promote sustainable fisheries and measures to reduce the impact of fishing on marine ecosystems.

39. In responding to calls from the General Assembly, many respondents (Algeria, Bahrain, Cambodia, Canada, EC, Kuwait, Latvia, Mexico, Morocco, New Zealand, Norway, Oman, Senegal, Spain, Suriname, United States, Bolivarian Republic of Venezuela, Yemen) have been taking measures to promote responsible fisheries and protect marine ecosystems, including by adopting and implementing ecosystem approaches, applying the precautionary approach, establishing marine protected areas (MPAs) or adopting strategies to protect vulnerable habitats, developing ongoing data collection programmes, increasing scientific research on marine ecosystems, providing training programmes, establishing observer programmes, and otherwise enhancing their legal framework and providing for more effective regulation of fisheries.

40. As discussed below, specific actions have also been taken to promote sustainable aquaculture, address marine pollution, protect vulnerable marine ecosystems from destructive fishing practices, and develop criteria on the objectives and management of MPAs for fisheries purposes.

[12] See, for example, the Code of Conduct, the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem, and the Agreement.

A. Achieving sustainable aquaculture

41. Aquaculture is probably the fastest growing food-producing sector and now accounts for nearly 50 per cent of the world's food fish, with production in 2004 valued at over $70 billion.[13] The sector plays an important role in global efforts to eliminate hunger and malnutrition, and can contribute to development by improving incomes, providing employment opportunities and increasing the returns on resource use.[14]

42. The aquaculture sector is growing in almost all regions of the world, just as the global population demand for aquatic food products is expected to increase. As production from capture fisheries has levelled off and most of the main fisheries have reached their maximum potential, aquaculture can make an important contribution in this regard. It has been estimated that, in order to maintain the current level of per capita consumption, global aquaculture production will need to reach 80 million tons by 2050.[15]

43. In order to achieve this, however, the aquaculture sector will need to address significant challenges. Continuing improvements, interventions and investments are required to ensure a higher degree of environmental sustainability and economic viability in the sector, as pressure on the natural resource base and public awareness of environmental issues has increased. An ecosystem approach to aquaculture development can help to reconcile the human and environmental objectives of sustainable development.[14]

Measures taken by States

44. Algeria, Canada, Latvia, Mexico, Morocco, Senegal, the United States, the Bolivarian Republic of Venezuela and Yemen reported on new efforts to achieve sustainable aquaculture, including measures to enhance the legal or governance framework regulating the aquaculture industry (Algeria, Senegal, United States, Bolivarian Republic of Venezuela; see also A/62/260, paras. 43-44). Algeria was preparing an annual development and management plan to ensure ongoing monitoring of stocks. It also launched a pilot project to apply an ecosystem approach to aquaculture that would be expanded to include all aquaculture activities in the country, as well as an aquaculture development policy to balance maritime fisheries production with aquaculture production to reduce pressure on often-overused stocks. Canada was developing an environmentally and socially sustainable aquaculture sector through governance and regulatory reform, regulatory science, innovation, and certification and market access. It also entered into a memorandum of understanding with Chile on aquaculture collaboration. Aquaculture development in Mexico has been preceded by environmental impact studies, and regulations have been established to control the sanitary aspects of aquaculture activities. Morocco also required environmental impact studies for aquaculture and fish farming projects. The Bolivarian Republic of Venezuela

[13] See FAO website, The state of world aquaculture, available at http://www.fao.org/fishery/topic/13540/en. Also see *State of World Aquaculture 2006*, FAO Fisheries Technical Paper No. 500 (Rome 2006), and *The State of World Fisheries and Aquaculture 2006*, FAO Fisheries Department (Rome 2007).

[14] FAO background document, "The role of aquaculture in sustainable development" (C/2007/INF/16), available from ftp://ftp.fao.org/docrep/fao/meeting/012/k0701e.pdf.

[15] FAO website, The state of world aquaculture, see footnote 13 above.

established a specialized aquaculture unit, and national standards and other mechanisms have been developed to handle the entry of exotic species and aquaculture diseases.

45. States also reported on efforts to improve cooperation and coordination in relation to aquaculture. Latvia held an international conference in May 2008 on the possibilities for development of Eastern Baltic region aquaculture, and Yemen established a centre for aquaculture in cooperation with Japan.

Activities carried out by FAO

46. FAO provided advice and information to ensure the sustainable contribution of aquaculture to food supply, food security and general economic growth through the implementation of relevant provisions of the Code of Conduct. It also worked in close collaboration with a variety of national, regional and international institutions in building international consensus among stakeholders responsible for aquaculture development by providing platforms at regional and global levels for discussion at its regional fishery bodies (RFBs). In this respect, it convened a number of regional body meetings related to aquaculture, such as the Committee for Inland Fisheries Aquaculture of Africa, European Inland Fisheries and Advisory Commission, GFCM, and the Regional Commission for Fisheries (RECOFI). Other major work included the development of guidelines on a certification scheme of aquaculture products and their safety; risk analysis, assessment and management in aquaculture; and technical guidelines on aquatic animal health management and safe transboundary movement of live aquatic species, responsible use of feed and seed, responsible use of alien species in aquaculture and conservation and responsible use of aquatic biodiversity for aquaculture.[16]

47. FAO organized a high-level special event in November 2007 to address the role of aquaculture in sustainable development, which included issues relating to economic development (food security, employment and economic growth), governance (policy and regulatory frameworks), human and institutional capacity, and environmental aspects. It was recognized that negative environmental impacts of aquaculture had been significantly reduced, but continued sustainable aquaculture production with minimal negative social and environmental impact was critically important. The meeting also emphasized the need for better management of the sector to maximize its contribution to social well-being, national economies and international trade, the importance of creating a sound enabling environment to ensure that sustainability was stressed, the importance of institutional and regional cooperation, and the need for research, training, capacity-building and extension for the sustainable development of aquaculture.[17]

48. An FAO expert meeting was also held in April 2008 to review the impact of climate change on fisheries and aquaculture, and to examine options for climate change adaptation and mitigation. The meeting highlighted the constraints of and opportunities for implementing mitigation and adaptation strategies, identified

[16] The technical guidelines produced by FAO on International Principles for Shrimp Farming received the World Bank "Green Award 2000".

[17] Summary notes of the High Level Special Event on Role of Aquaculture in Sustainable Development, 19 November 2007, FAO, Rome, available from http://www.fao.org/fishery/topic/17000.

priorities and formulated recommendations.[18] The role of fisheries and aquaculture in world food security was also considered at the High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy, held in Rome from 3 to 5 June 2008.[19]

49. The fourth Session of the FAO Committee on Fisheries (COFI) Subcommittee on Aquaculture will be held in Puerto Varas, Chile, from 6 to 10 October 2008.

Activities carried out by other relevant organizations and bodies

50. CCSBT reported that it analysed the impact of aquaculture on the southern bluefin tuna stock through its stock assessment processes, and closely monitored the activities of any member involved in southern bluefin tuna aquaculture, including through catch and production reporting. Each Party to NASCO developed an implementation plan detailing the measures to be taken over the next five years to implement the NASCO agreements, including a resolution designed to minimize impacts from aquaculture, introductions and transfers and transgenics on wild salmon stocks. Reports on progress would be subject to critical review by a group comprising representatives of the NASCO parties and accredited NGOs. SEAFDEC cooperated with FAO and the Network of Aquaculture Centres in Asia and the Pacific in the field of aquaculture, including with respect to certification and labelling of aquaculture products. It also developed and promoted methods for environmental friendly techniques in the region, including in shrimp farming. HELCOM included the impacts of aquaculture in its assessments on the status of the environment, especially on the nutrient loading of waters, and GEF supported sustainable aquaculture in several large marine ecosystem projects.

B. Addressing marine pollution

51. Marine pollution originates from various sources ranging from land-based sources, seabed activities, dumping, vessel-source pollution, and pollution from or through the atmosphere (Part XII, sect. 5, of the Convention). There are a number of direct and indirect threats to the marine environment from fishing activities and related activities, including derelict fishing gear, marine debris (for example, gear, twine, food containers, etc.), pollution from at-sea processing and coastal processing plants, and greenhouse gas emissions from vessels. It is estimated that approximately 30 per cent of all marine debris originates from the fishing industry, and that 8 million items of marine debris from all sources enter the oceans and seas every day.[20] Ghost fishing can also occur when fishing gear has either been lost or abandoned at sea and continues to catch and kill fish.

52. The General Assembly has repeatedly called upon States and relevant organizations to address the issue of lost, abandoned or discarded fishing gear and related marine debris and their adverse impacts on fish stocks, habitats and other

[18] See "Options for Decision Makers", Workshop on Climate Change and Fisheries and Aquaculture, FAO Headquarters, Rome, 7-9 April 2008, available from http://www.fao.org/foodclimate/hlc-home/en.

[19] High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy, 3-5 June 2008, Rome, see http://www.fao.org/foodclimate/hlc-home/en.

[20] See A/60/63, paras. 232-283; A/62/66/Add.2, paras. 28-50; and UNEP/GPA, *The State of the Marine Environment: Trends and processes* (The Hague, September 2006).

marine species (see, e.g., resolutions 60/31, paras. 77-81 and 62/177, para. 104). The Assembly has also urged States to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) and accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation (see, e.g., resolution 62/177, para. 103). GPA was designed to assist States in taking actions that would lead to the prevention, reduction, control or elimination of the degradation of the marine environment, and to its recovery, from the impacts of land-based activities (see A/62/66, paras. 268-272).

1. Derelict fishing gear and other marine debris

(a) Measures taken by States

53. The European Community, Morocco, Norway, the United States and the Bolivarian Republic of Venezuela reported on new efforts, or on progress in ongoing efforts, to address derelict fishing gear and other marine debris and to implement paragraphs 77 to 81 of General Assembly resolution 60/31 (see also A/62/260, paras. 51-53). EC banned the use of deep sea gill nets in additional areas of the North Atlantic in waters deeper than 600 metres and only permitted their use at some other depths under conditions that included provisions designed to avoid ghost fishing. It was also considering adopting similar measures in other waters of the North Atlantic. Moroccan fishers were made aware of the impact of lost gear and the problems of ghost fishing and were encouraged to recover any lost gear found during fishing operations. Norway planned to increase efforts to cooperate with other countries on recovery programmes, and it continued to raise the issue of marine debris within NEAFC and at annual consultations with neighbouring countries. The United States conducted several research projects on the impacts of lost or abandoned gear, including studies of the loss of crab pots and their impact on marine species on the east coast and the documenting of marine species caught in derelict nets on the west coast, and it reviewed literature on the impacts of derelict fishing gear on fisheries to ascertain data gaps. It also continued programmes on the removal of derelict fishing gear, including from the coral reefs of the North-western Hawaiian Islands, and on the provision of gear disposal and recycling facilities. A number of projects were under way to identify areas of derelict fishing gear accumulation, determine the amount of derelict fishing gear in federally protected areas, and spread removal programmes through coastal states. Research on the impact of derelict fishing gear on species was also ongoing. The Bolivarian Republic of Venezuela indicated that national regulations were in place to deal with derelict fishing gear, including specific prison penalties and fines for dumping or throwing objects or debris that could degrade, poison or contaminate bodies of water and for the dumping of pollutants or wastes that were harmful to human health and the environment.

54. In July 2007, the United States co-hosted a workshop for representatives of Caribbean nations and stakeholder groups to discuss derelict fishing gear in the wider Caribbean region. The workshop addressed the types and sources of derelict fishing gear in the Caribbean, the extent of the problem of derelict fishing gear, and what could be done to address it. Participants created an action plan to survey Caribbean nations on the scope of derelict fishing gear problems in their jurisdictions.

(b) Measures adopted by regional fisheries management organizations or arrangements

55. A number of RFMO/As also reported on progress in implementing paragraphs 77 to 81 of General Assembly resolution 60/31. NAFO did not have specific measures in place concerning lost or abandoned gear and marine debris, however, the need to minimize pollution and waste originating from fishing vessels was recognized in the amended NAFO Convention, which was adopted in 2007. NEAFC banned the use of gill nets below depths of 200 metres and adopted a recommendation on the removal and disposal of unmarked or illegal fixed gear and retrieval of lost fixed gear, which entered into force in 2008. Solid waste was a common problem in the marine and coastal areas of the SEAFDEC region, but the proportion made up of lost and discarded fishing gear had not been studied on a regional scale. States taking part in negotiations for the SPRFMO had not taken measures relevant to marine debris, but the draft convention text under consideration contained provisions relating to the need to minimize adverse impacts of lost or abandoned fishing gear. Problems related to marine debris and derelict fishing gear were also highlighted at the fourth meeting of WCPFC in December 2007 and it was suggested that these issues should be considered in future meetings of the organization.

(c) Activities of other relevant organizations and bodies

56. The General Assembly invited the International Maritime Organization (IMO), in consultation with relevant organizations and bodies, to review annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), and to assess its effectiveness in addressing sea-based sources of marine debris (see resolution 60/30, para. 67). The Assembly subsequently requested FAO to consult with IMO in its efforts related to marine debris (see resolution 62/177, para. 105).

57. In response, IMO was reviewing MARPOL annex V and its guidelines, in consultation with relevant organizations and bodies, to assess the effectiveness of annex V in addressing sea-based sources of marine debris. To that end, it had established a Correspondence Group to develop the framework, method of work and timetable for a comprehensive review of MARPOL annex V and the associated Guidelines for its implementation, and a number of issues related to how ships manage their wastes were being considered, including concerns regarding abandoned, lost or discarded fishing gear. FAO had forwarded its technical comments related to the annex V review to the IMO Correspondence Group.

58. The issue was also discussed during the second session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (Joint FAO/IMO Ad Hoc Working Group), held in Rome, from 16 to 18 July 2007 (see IMO document MSC/83/INF.12, annex). The Joint FAO/IMO Ad Hoc Working Group noted that abandoned, lost or discarded fishing gear had a high probability to ghost fish and that such fishing could be a symptom of the "unreported" component of IUU fishing. It was recognized that any changes to the legally binding text of MARPOL annex V and Guidelines should aim to minimize both the occurrence and the impacts of such gear from all fishing vessels. The Joint FAO/IMO Ad Hoc Working Group reported that few States had implemented the

Guidelines associated with MARPOL annex V, especially with respect to measures for reporting, disposal, recycling and retrieval of lost gears.

59. FAO advised the Joint FAO/IMO Ad Hoc Working Group that it would address the issue of lost or discarded fishing gear through the further development of standards for the marking of fishing gear. It also informed the Joint FAO/IMO Ad Hoc Working Group that standard setting would contribute to the development and implementation of programmes to prevent and recover marine debris, as urged in General Assembly resolution 62/177. FAO would continue to promote the issue of abandoned, lost and discarded fishing gear within its activity, "Impact of fishing on the environment", through the promotion and use of environmentally friendly fishing gears, and the formulation of best practice guidelines for fishing operations.

60. UNEP indicated that it had undertaken, in cooperation with FAO, a global review of the problem of derelict fishing gear in order to achieve greater coordination and cooperation among relevant United Nations related organizations and to encourage a more concerted and comprehensive response to this issue. The review aimed, inter alia, at assessing the feasibility of joint programmes, activities, and capacity-building between RFBs and regional seas programmes (RSPs). In addition, UNEP and FAO entered into a second memorandum of understanding for the preparation of a study entitled "Abandoned, lost and otherwise discarded fishing gears".

2. Other sources of marine pollution

61. Cambodia, Kuwait, Latvia, Mexico, Morocco, Norway, the United States, the Bolivarian Republic of Venezuela and Yemen reported on progress in the implementation of GPA, including through the enforcement of regional instruments (Latvia), implementation of national legislation (Bolivarian Republic of Venezuela) and cooperation with UNEP/RSPs on projects for the protection of the marine environment from land-based activities (Yemen). Kuwait adopted coordinated measures to restrict the destruction of fish habitats from coastal developments, dredging, reclamation, and pollution load in its territorial waters. Mexico was implementing the Regional Action Programme for the Control of Land-based Sources of Marine Pollution from the Yucatan Peninsula, which was a pilot programme for implementing actions under GPA. It was also participating in a transboundary diagnostic analysis for the large marine ecosystem of the Gulf of Mexico as part of a project to, inter alia, reduce pollution from land and marine sources. Morocco promulgated a national law on the protection and development of the environment, including protection against all forms of pollution and degradation from any source. Norway was developing and implementing integrated management plans for certain sea areas to provide a framework for the sustainable use of natural resources and goods derived from the sea. The United States and UNEP/GPA established a framework for cooperation on activities related to coastal and marine pollution from land-based sources of pollution in the wider Caribbean region, which provided support to 15 countries in the development and implementation of national programmes of action to reduce and control land-based sources of pollution and protect adjacent coastal and marine ecosystems (for information on previous activities, see A/62/260, para. 59).

62. Cambodia noted the need for assistance and support to developing States in the implementation of GPA. The United States reported that it provided a financial

contribution to UNEP/RSP to support GPA to reduce the effects of land-based sources of marine pollution.

C. Towards the protection of vulnerable marine ecosystems from destructive fishing practices

63. At its sixty-first session, the General Assembly conducted a review of the progress on actions taken by States and RFMO/As, in response to the requests made in paragraphs 66 to 69 of resolution 59/25, to address the impacts of fishing on VMEs, including bottom trawling that had adverse impacts on VMEs. Following the review, the General Assembly, in paragraphs 80 to 90 of its resolution 61/105, called upon States, inter alia, to take action immediately, individually and through RFMO/As, to sustainably manage fish stocks and protect VMEs from destructive fishing practices, and to adopt and implement measures to regulate bottom fisheries. It also requested the Secretary-General to include in his report on fisheries to the Assembly at its sixty-fourth session a section on the relevant actions taken.

64. An interim report on the actions taken by States and RFMO/As to give effect to paragraphs 83 to 90 of resolution 61/105 to address the impacts of fishing on VMEs was provided by the Secretary-General to the General Assembly at its sixty-second session (see A/62/260, paras. 73-96; see also A/61/154). The present section provides a second interim report on the subject to the Assembly, in accordance with paragraphs 97 and 98 of resolution 62/177. A full report will be submitted by the Secretary-General in his report on sustainable fisheries to the General Assembly at its sixty-fourth session, in 2009, at which time the Assembly will conduct a further review of actions taken by States and RFMO/As, with a view to further recommendations, where necessary (see resolution 61/105, para. 91).

1. Sustainable fisheries and protection of vulnerable marine ecosystems from destructive fishing practices

(a) Measures taken by States

65. Bahrain, Cambodia, Canada, EC, Japan, Kuwait, Mexico, Morocco, New Zealand, Qatar, Spain and the United States reported on new or ongoing efforts to sustainably manage fish stocks and protect VMEs from destructive fishing practices, including through the establishment of MPAs where fishing was restricted or prohibited (see also A/62/260, paras. 66-72).

66. Some States had adopted management measures to restrict certain fishing activities in areas within national jurisdiction, including by prohibiting fishing activities in nursery grounds or during spawning periods (Kuwait, Morocco), or by prohibiting trawl fishing in shallow waters (Cambodia, Mexico, Qatar). Kuwait had adopted gear restrictions for bottom trawlers in areas under national jurisdiction, including mesh size restrictions and the use of by-catch reduction devices. Morocco and Qatar have regulated or prohibited fishing gear that may harm the marine ecosystem, and Cambodia and Kuwait had prohibited certain destructive fishing practices, such as the use of poisons and explosives.

67. Bahrain was considering ways to close certain coastal areas to fishing altogether, or during breeding seasons. Canada continued to establish MPAs to add to its current network of protected areas in the Pacific. Morocco prohibited or

regulated coral harvesting in certain areas and required environmental and resource-impact studies before some projects were authorized. Qatar designated marine reserves where fishing was permanently banned, and it prohibited fishing in some coral reefs.

68. Mexico was promoting an environmental fishing agenda to reduce the impact of trawler gear, and trawler boats in shrimp fisheries were required to present an environmental impact statement to ensure the sustainability of fishing activity, and minimize any impacts to endangered species and any other effect on the ecosystem. New Zealand developed a strategy for managing the environmental effects of fishing, which established the framework, including principles and processes, for the setting of environmental standards for the limits of acceptable environmental effects of fishing on the marine environment.

69. The United States had taken significant actions, principally through its regional fisheries management councils, to protect VMEs from destructive fishing practices, including by designating essential fish habitats, habitat areas of particular concern, national marine sanctuaries, and no-take reserves. Such measures included freezing the footprint of bottom trawling by limiting trawl effort to areas more recently trawled; amendments to existing fishery management plans to protect essential fish habitat and habitat areas of particular concern; additional actions to expand protections for essential fish habitat areas containing VMEs; new guidelines for identifying essential fish habitat and habitat areas of particular concern; and closing areas to bottom contact gear to help establish a network of no-take reserves and limited take zones.

70. Several States were also participating in projects to study the impacts of fisheries on VMEs, including the mapping of such ecosystems. Cambodia participated in the UNEP-GEF programme, "Reversing environmental degradation trends in the South China Sea and Gulf of Thailand", which supported the study of the impact of fisheries on VMEs, and was instrumental in mapping and assessing VMEs in Cambodia's ecosystems such as coral reefs, sea grass beds and mangroves. Spain conducted research campaigns to locate vulnerable seabeds in areas of the North-East Atlantic. The results were provided to the International Council for the Exploration of the Sea (ICES) to support its work, which ultimately led NEAFC to close some areas to fishing. Spain also planned to map the Patagonia platform's seabeds in areas beyond national jurisdiction of the South-East Atlantic.

71. EC continued to support research on MPAs and held a symposium in Spain in September 2007 on this subject. The symposium addressed MPAs as a tool for fisheries management and ecosystem conservation, including the ecological effects of MPAs, their effects on fisheries and other uses, assessment of MPA performance, tools for MPA planning and design, and issues of science, management and stakeholders.[21]

72. With respect to areas beyond national jurisdiction, EC was developing new policies to prevent destructive fishing practices on the high seas and protect vulnerable deep sea ecosystems. Japan and New Zealand were also implementing interim measures adopted by States participating in the establishment of new

[21] See European Symposium on Marine Protected Areas as a Tool for Fisheries Management and Ecosystem Conservation: Emerging science and interdisciplinary approaches, available from www.mpasymposium2007.eu.

RFMOs. Norway, the United States and the Bolivarian Republic of Venezuela also reported on their support for, or active participation in, the FAO process to develop international guidelines for the management of deep sea fisheries in the high seas, as requested in paragraph 89 of General Assembly resolution 61/105. The process was tasked to further develop standards and criteria for use by States and RFMO/As in identifying VMEs in areas beyond national jurisdiction as well as the impacts of fishing on such ecosystems, and to establish standards for the management of deep sea fisheries in order to facilitate the adoption and the implementation of conservation and management measures pursuant to paragraphs 83 and 86 of resolution 61/105.

(b) Measures taken by regional fisheries management organizations or arrangements

73. CCAMLR adopted measures to freeze the footprint of all bottom fishing activities to areas currently approved for bottom fishing through November 2008 in order to regulate bottom fisheries and protect VMEs in its regulatory area. All subsequent individual bottom fishing activities would be subject to assessment by the CCAMLR Scientific Committee. In September 2007, NAFO adopted interim measures that established a coral protection zone and closed all fishing activities involving bottom contact gear in another area, from 1 January 2008 until 31 December 2012.[22] New measures to protect VMEs were also adopted at the NAFO Fisheries Commission Intersessional Meeting on Vulnerable Marine Ecosystems, held from 5 to 7 May 2008. NAFO will map current fishing areas and assess if current fishing practices are having an impact on vulnerable areas.

74. In October 2007, SEAFO decided that resumption of fishing activities in several closed areas had to be preceded by the identification and mapping of VMEs, and an assessment of the impact of any resumption of fishing on such ecosystems.[23] In a recommendation adopted in November 2007, NEAFC provided for the closure of some areas in its regulatory area to protect deep-water corals.[24] States participating in negotiations for the establishment of a new RFMO in the North-Western Pacific Ocean further strengthened interim measures on bottom fisheries in order to enhance and clarify their implementation in a number of key areas.

75. The issues discussed at the ICES-NAFO Working Group on Deepwater Ecology, held in Copenhagen in March 2008, included coldwater coral and seamount mapping, overlaying VMS data with coldwater coral maps to ascertain fishing pressure on vulnerable deepwater habitats, and governance issues such as developing MPAs and habitat areas of particular concern.

(c) Activities carried out by FAO

76. A Technical Consultation on International Guidelines for the Management of Deep Sea Fisheries in the High Seas was convened by FAO in Rome in February 2008.[25] The Technical Consultation did not complete its review of the draft

[22] NAFO Fisheries Commission, FC Doc. 07/24, annex 24, "Interim measures to prevent significant adverse impacts on vulnerable marine ecosystems".

[23] Conservation measure 11/07 laying down conditions for the resumption of fishing activities in areas subject to closure through conservation measure 06/06.

[24] Recommendation IX: 2008, available at www.neafc.org/measures/current_measures/docs/09-rec_corals.pdf.

[25] TC:DSF2/2008/2, available at ftp://ftp.fao.org/FI/DOCUMENT/tc-dsf/2008_2nd/Default.htm.

International Guidelines, and a second session was scheduled to be held in Rome, from 25 to 29 August 2008.

77. An FAO Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels was held in Rome in February 2008, and discussed general concepts, including the gathering of data from sources such as RFMO lists, national vessel registers and other available sources, that may ultimately contain information on authorized vessels, but not specifically on those engaged in high seas deep sea fisheries. It also received a briefing on the draft International Guidelines being considered by the Technical Consultation on International Guidelines for the Management of Deep Sea Fisheries in the High Seas, which may have implications for the development of a global record. The draft Guidelines included provisions containing reporting obligations for States to make publicly available, through FAO, a list of vessels flying their flag and authorized to conduct deep sea fisheries. It had not been determined whether or how such vessel data might be collected under the draft International Guidelines. The data included in the High Seas Vessels Authorization Record under the FAO Compliance Agreement was seen as inadequate for this purpose, largely owing to limited submissions and incomplete data, making it difficult to differentiate between deep sea fishing vessels, and for many of the same reasons recognized by the Expert Consultation (see also paras. 99 and 100 below).

78. In addition, FAO was developing a project proposal that would allow it to take a lead role in coordinating a central database on fisheries and VMEs in areas beyond national jurisdiction. Such a database was considered essential for the implementation of the draft International Guidelines and would provide a global perspective on these fisheries and ecosystems and on their management. States and RFMOs would be required to identify areas of known or likely VMEs in the high seas and take necessary action, as provided in General Assembly resolution 61/105, and as specified in the draft International Guidelines. The extensive work done on this topic by a variety of research institutes and organizations would require coordination among relevant partners.

D. Developments on efforts to establish marine protected areas for fisheries purposes

79. Spatial and temporal closures and gear restrictions have traditionally been used as a tool in conventional fisheries management to protect fish stocks and other vulnerable species (see, generally, A/62/66/Add.2, paras. 137-147). Recent attention, however, has focused on the specific role of MPAs in the conservation and management of marine living resources and the protection of vulnerable habitats.[26] The General Assembly has encouraged accelerated progress to establish criteria on the objectives and management of MPAs for fisheries purposes, and in that regard it has welcomed the proposed work of FAO to develop technical guidelines on the

[26] The Ad Hoc Open-ended Informal Working Group made reference to the progress that had been made to implement area based management tools beyond areas of national jurisdiction by, inter alia, RFMOs, and underlined the importance of continued progress. Some delegations argued that progress needed to be made within existing regional and sectoral bodies towards the identification and designation of areas in need of protection, and it was noted that, inter alia, RFMOs had an important role in that regard (see A/63/79, paras. 28 and 30).

design, implementation and testing of MPAs for such purposes, and urged coordination and cooperation among all relevant international organizations and bodies (resolution 62/177, para. 102).

80. It is widely recognized that MPAs play an important role in marine biodiversity conservation, including fishery resources conservation and management, owing to potential benefits they can provide in protecting critical ecosystem components or processes from negative impacts of fishing as well as other human activities, such as coastal zone development and oil and gas extraction. If properly implemented, MPAs can lead to higher densities, biomass, mean size of organisms and diversity of species within their boundaries, although this general result is influenced by factors such as the species composition, the nature and intensity of the activities being displaced by restrictions, and fishing intensity outside the protected area. In some cases, MPAs have been clearly found to have some benefits for fisheries performance beyond their boundaries, but the potential role of MPAs in this regard needs to be carefully evaluated in comparison to other management tools on a case-by-case basis, taking into account the objectives being pursued, the relevant local biological and ecological characteristics, and the nature and spatial characteristics of the fishery and the people dependent on it.[27]

81. The FAO technical guidelines on MPAs as a fisheries management tool were in the final stage of development and included the work and review of experts from diverse backgrounds and geographic foci. Experts from relevant non-governmental and intergovernmental organizations were also associated with the process. It was anticipated that country level case studies would complement the information provided in the guidelines and highlight specific issues related to MPAs in a fisheries context.

V. Addressing impediments to sustainable fisheries

A. Overview of unsustainable fishing practices

82. Fisheries provide a vital source of food, employment, trade and economic well-being for people throughout the world, and should therefore be conducted in a responsible manner in order to meet the needs of both present and future generations. However, the occurrence of unsustainable fishing practices in the fishing sector, such as the persistence of overcapacity and institutional overfishing, IUU fishing, the use of unselective fishing gear and techniques with their toll of excessive by-catch and destruction of marine habitats, as well as the continuation of

[27] "Implementing the ecosystem approach to fisheries, including deep-sea fisheries, biodiversity conservation, marine debris and lost or abandoned fishing gear" (COFI/2007/8), available from http://www.fao.org/fishery/about/ccfi/meetings.

large-scale pelagic drift-net fishing, have adverse impacts on the long-term conservation, management and sustainable use of marine fishery resources (see A/62/260, paras. 101-105).[28]

83. Several international fishery instruments have been adopted over the past 15 years to address these practices and foster international cooperation. While these instruments have raised public awareness of the urgency of curbing unsustainable fishing practices, they have not translated into substantial improvement in the overall management of world fishery resources, owing to their lack of, or insufficient, implementation. For these instruments to be effective in ensuring fisheries governance, it is imperative that all States and RFMOs implement them fully at the national, subregional or regional level, as appropriate.[29]

B. Measures to address unsustainable fishing practices

1. Illegal, unreported and unregulated fishing

(a) Measures taken by States

Legal and policy framework to combat illegal, unreported and unregulated fishing

84. EC, Kuwait, Oman, Senegal, Spain, Suriname and the United States reported that they had established the necessary legal framework to address IUU fishing activities. A number of them had developed and implemented NPOAs (Canada, New Zealand, Oman, Spain, United States, Bolivarian Republic of Venezuela, Yemen) and regional plans of action,[30] and strategies[31] to implement the FAO IPOA-IUU. Such frameworks included provisions aimed at, inter alia, deterring nationals from

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[28] The issue of IUU fishing was considered by the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held at United Nations Headquarters in New York, from 23 to 27 June 2008, during its discussions on the topic "Maritime security and safety". It was proposed that the General Assembly recognize that illegal fishing poses a threat to the economic, social and environmental pillars of sustainable development. Divergent views were expressed on the existence of a link between IUU fishing and organized crime, and some countries suggested that an in-depth dialogue with relevant stakeholders at all levels be carried out with a view to producing a multidisciplinary study on the issue (see Agreed Consensual elements to be suggested to the General Assembly for consideration under its agenda item entitled "Oceans and the law of the sea", available at www.un.org.Depts/los/index.htm).

[29] Delegations at the Ad Hoc Open-ended Informal Working Group generally recognized that there were implementation gaps in the international legal framework and emphasized the need for full and effective implementation of existing instruments, including available principles and tools, and for the strengthening of existing institutions and arrangements and enhanced cooperation and coordination. Specific issues raised in this context included improved flag State control, developing port State control and market measures, performance reviews of RFMOs, increased coverage of regional arrangements in terms of geographical scope and species, as necessary, and the need to implement resolution 61/105 of the General Assembly with respect to the impacts of bottom fishing on vulnerable marine ecosystems (see A/63/79, para. 40).

[30] Cambodia referred to the Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in the South-East Asian region adopted in May 2007.

[31] EC: New strategy for the Community to prevent, deter and eliminate illegal, unreported and unregulated fishing (COM (2007) 601 final); Mexico: The National Programme for Fisheries Inspection and Surveillance.

participating in IUU fishing and IUU-related activities,[32] establishing sanctions against nationals operating fishing vessels under flags of convenience,[33] requiring certification by the flag State (EC) of fish catches landed by foreign fishing vessels in their ports, as well as improving the traceability of fish and fish products (EC, Mexico, Senegal, Spain), including compulsory labelling throughout the marketing chain, from the marketplace to the consumer (Spain; see also A/62/260, para. 106).

85. States also referred to domestic legislation that prohibited unauthorized fishing in areas under the national jurisdiction of other States and in areas covered by RFMO/As,[34] as well as the export of fishing vessels to States that were not parties to the Agreement or the FAO Compliance Agreement (New Zealand, Norway). Norway reported that it was in the final stages of developing a new ocean resources law, which would have provisions that specifically targeted IUU fishing, including measures regarding nationals and beneficial owners.

86. Several States further reported that they had strengthened the international legal framework for cooperation to combat IUU fishing, in particular at the subregional and regional levels (Cambodia), and within RFMOs of which they were members (Mexico, New Zealand, Norway, United States). Such activities involved the establishment of adequate systems and schemes aimed at deterring IUU fishing, including the requirement of VMS, the listing of fishing vessels and the adoption of trade monitoring schemes, as well as the sharing of data on landings and catch quotas.

87. With regard to the question of genuine link, one State indicated that while it had raised this issue with other States in some RFMO/As of which it was a member, it was not aware of any work being undertaken in these organizations and arrangements to clarify the role of genuine link in relation to the duty of States to exercise effective control over fishing vessels flying their flag. It envisaged working through relevant global international organizations, such as FAO and IMO, as well as through RFMO/As to address IUU fishing issues associated with "flags of convenience" vessels and the requirement for a "genuine link" (New Zealand). Other States that reported on this subject indicated that they already either worked with RFMO/As to clarify the role of "genuine link" (Bolivarian Republic of Venezuela), or were willing to cooperate with other States and RFMO/As to address this issue (United States).

88. A number of respondents (EC, Norway, United States) supported the recommendation by the FAO Committee on Fisheries in 2007 that the FAO should develop criteria for assessing the performance of flag States, as well as examine possible actions against vessels flying the flags of States not meeting such criteria. The same respondents indicated that they had participated in a workshop hosted by Canada in March 2008, which provided an opportunity for dialogue on the development of criteria for assessing flag State performance. At the regional level, several States (Morocco, New Zealand, Norway, United States, Yemen) reported that they were cooperating with other States within RFMOs of which they were members

[32] EC: New strategy for the Community; Latvia; New Zealand: Fisheries Act 1996; Mexico: National Programme for Fisheries Inspection and Surveillance; Spain: Royal Decree 1134/2002; United States.

[33] Spain: Royal Decree 1134/2002 of 31 October 2002.

[34] Bahrain, Latvia, Mexico, New Zealand: Antarctic Marine Living Resources Act 1981 and Regulations 2000, Norway, United States: Lacey Act amendments of 1981.

in developing mechanisms to assess the performance of States in meeting their obligations in respect of vessels flying their flags fishing in areas under the competence of these RFMOs.

Monitoring, control and surveillance and enforcement measures to combat illegal, unreported and unregulated fishing

89. **Implementation of flag State duties.** Several respondents (Algeria, EC, Morocco, New Zealand, Norway, Poland, Qatar, Senegal, Spain, United States, Bolivarian Republic of Venezuela) reported that, in the implementation of their flag State duties under relevant international instruments, they had taken measures to prevent vessels flying their flag from engaging in IUU fishing. Such measures included: the establishment of a register of fishing vessels flying their flag authorized to fish on the high seas (Latvia, Mexico, Morocco, New Zealand, Senegal, Bolivarian Republic of Venezuela), the requirement of high seas fishing licences or permits (Canada, Latvia, Mexico, Morocco, New Zealand, Norway), gear requirements (New Zealand), mandatory reporting (New Zealand, Norway, Oman, Bolivarian Republic of Venezuela), observer programmes (Canada, Mexico, Morocco), inspection schemes (Canada, EC, Morocco, New Zealand, United States), the obligation to carry VMS,[35] the control of landings (Mexico, Morocco, New Zealand) and transshipments (Canada, Kuwait, Mexico, Morocco, New Zealand, Norway, Senegal, United States, Bolivarian Republic of Venezuela), including prohibition of at-sea transshipments (United States). To ensure compliance with high seas fisheries regulations, a number of States imposed stiff sanctions on vessels that contravened international conservation and management measures in order to deprive offenders of the benefits accruing from their illegal activities (EC, Mexico, New Zealand, Oman, United States, Bolivarian Republic of Venezuela). In Morocco, New Zealand and the United States, sanctions for fisheries-related offences included both civil and criminal penalties.

90. In addition, a number of flag States cooperated through existing RFMO/As to combat IUU fishing. As a first step, several States (New Zealand, Norway, United States) prohibited vessels flying their flag from fishing in the convention areas of RFMO/As of which they were not members. They had also coordinated their actions with RFMO/As to develop strategies and measures to deter the activities of vessels which undermined conservation and management measures adopted by RFMO/As (EC member States, Kuwait, Mexico, New Zealand, Norway, Poland, Bolivarian Republic of Venezuela), including the implementation of trade monitoring schemes (New Zealand, Norway, United States), regional VMS (Canada, New Zealand, Norway, United States) and observer programmes (United States), enforcement of RFMO/As regulations on transshipments at sea (Canada, Latvia, Norway), and the adoption of positive and negative lists of fishing vessels (Canada, Latvia, Morocco, New Zealand, Norway, United States). Norway indicated that, on the basis of its initiatives, five RFMO/As had now established joint "black lists" of IUU fishing vessels.

[35] Algeria, Cambodia, Canada, Latvia, Mexico, Morocco, New Zealand, Norway, Oman, Poland, Qatar, Senegal, Suriname, United States: (the United States supported the updating of existing FAO Technical Guidelines on VMS, through the addition of a model legislative text, to facilitate the use of VMS as part of each flag State's efforts to monitor and control its fishing vessels), Bolivarian Republic of Venezuela.

91. Furthermore, Canada, New Zealand and Norway reported that they were operating high seas inspection schemes, whether as the result of bilateral arrangements with other States on enforcement matters or within the framework of RFMO/As, which allowed the possibility for their inspectors and those of other States to participate in high seas inspection of fishing activities. Other States reported that they were participating in the MCS Network (Canada, Mexico, Norway, United States) and made particular reference to their participation in the forthcoming Second Global Fisheries Enforcement Training Workshop, to be held in Norway in August 2008 (Canada, Morocco, Norway, United States).

92. **Implementation of port State measures.** Several respondents reported that they had implemented or enhanced port State measures to combat IUU fishing, including measures that prohibited vessels from accessing their ports when there was clear evidence that they were or had been engaged in, or had supported IUU fishing; or when such vessels refused to give information, either on the origin of the catch or the authorization under which the catch had been made. These measures were taken individually by States in accordance with their domestic legislation (Canada, EC, Mexico, Morocco, New Zealand, Norway, Poland, Spain, United States), as well as within the framework of RFMO/As of which they were members (Algeria, Latvia, New Zealand, Norway, Poland, Spain, United States). For instance, New Zealand required prior approval for all foreign flagged fishing vessels seeking access to its ports and any authorized vessel was subject to inspections and investigations upon arrival to ports. Canada required foreign flagged fishing vessels seeking port access to provide reasonable advance notice of entry into port, a copy of the authorization to fish and details of the fishing trips and quantities of fish on board. Vessels in Canadian ports were under obligation to provide information regarding their flag State, identification details, and information regarding the master of the vessel, fishing gear, catch on board and other relevant information. Any landing or in-port transshipment was required to undergo port inspection and be subject to Canada's Dockside Monitoring Programme. EC required all non-EU flag States to certify that all fish and fishery products onboard their fishing and transshipment vessels had been caught legally before the vessels were allowed access to EU ports. Mexico legislation prohibited foreign-flagged fishing vessels from landing commercial fishery products in Mexican ports, except in cases of emergency or when explicitly authorized and when specific requirements were met. Spain had established a register of all foreign vessels landed at its ports, allowing it to close them to IUU vessels. The United States and Spain reported that they had denied port access to IUU vessels listed by relevant RFMOs.[36] Norway stated that it had been leading the process to develop new and adequate schemes for port State control and indicated that the NEAFC 2006 port State scheme for the North-East Atlantic region was based on a Norwegian initiative (see also A/62/260, paras. 116-117).

93. In addition, Canada, Morocco, New Zealand, Norway and the United States expressed their support for the current efforts of FAO to draft a legally binding instrument on port State measures and indicated their willingness to participate in the Technical Consultation held in June 2008.

[36] For Spain, these RFMOs were CCAMLR and NEAFC. For the United States, these RFMOs were CCAMLR, IATTC, ICCAT, NAFO and WCPFC.

94. **Implementation of trade-related measures.** In support of the effectiveness of conservation and management measures established by RFMO/As, several respondents had implemented trade-related measures to strengthen actions against IUU fishing activities (Canada, EC, Latvia, Mexico, New Zealand, Senegal, Spain, United States). EC required flag State certification of legality for all fishing products entering the EU market. Canada had domestic initiatives to allow tracing of fish and fishery products, such as the Pacific Integrated Commercial Fisheries Initiative, which contained traceability elements intended to increase Canada's ability and capacity to trace fishery products from harvesting to consumption. New Zealand, Norway and the United States implemented the CCAMLR Catch Documentation Scheme, as well as other trade-related measures adopted in RFMOs of which they were members.[37] The United States had taken the lead in promoting the use of trade tracking schemes in RFMOs such as CCAMLR, ICCAT and IATTC. In the same vein, Latvia and EC were promoting the adoption by RFMO/As of harmonized catch certification schemes that would enable effective control of fishery products, from the condition of their catches to their entry into markets. Morocco, Senegal and Spain had established regulations on the traceability of fish and fishery products and Norway was supporting national pilot projects that implemented traceability systems in the seafood industry with the aim of uncovering illegally caught fish in the market.

(b) Measures adopted by regional fisheries management organizations or arrangements

95. An increasing number of RFMO/As were coordinating their efforts to combat IUU fishing. Important elements of this strategy were the development of lists of IUU fishing vessels suspected of engaging in IUU fishing in their regulatory areas and the active cooperation among RFMO/As for mutual recognition of their respective IUU lists (CCSBT, GFCM, IATTC, ICCAT, NAFO, NEAFC, SEAFO, WCPFC). Several RFMO/As, such as GFCM, IATTC, ICCAT, NAFO, NEAFC and SEAFO had taken steps to exchange their IUU vessel lists with other organizations and arrangements for the purpose of enhancing coordination and cooperation among them. Inclusion of any fishing vessel and transshipment vessel (reefers) in an IUU list would bar these vessels from access to ports for landings and other services (GFCM, NEAFC, SEAFO). In other developments, CCSBT reported that it was participating with other tuna RFMO/As in the development of a global register of vessels authorized to fish in their respective regulatory areas.

96. As further measures to combat IUU fishing, several RFMO/As were requiring members to exercise flag State control over their fishing vessels operating in their respective regulatory areas (ICCAT, IATTC, NAFO, NEAFC, SEAFO). These measures required member States to: (a) use mandatory VMS (CCSBT, GFCM, ICCAT, SEAFO); (b) list vessels authorized by them to fish in the regulatory areas (CCSBT, GFCM, IATTC, NAFO, SEAFO, WCPFC); (c) authorize observers of other member States to carry out functions on board their vessels (SEAFO, WCFPC); and (d) regulate transshipments (CCSBT, ICCAT, SEAFO, WCPFC). These RFMO/As had also implemented documentation schemes, including the catch documentation scheme (CCAMLR, CCSBT, IATTC, ICCAT), to assist in the

[37] Morocco, New Zealand (member of CCSBT), and Norway and the United States (members of ICCAT).

identification and tracing of fish caught in contravention of conservation and management measures. In addition, NAFO required all fish and processed fish harvested in its regulatory area to be labelled in such a way that species, product category and date of capture were identifiable. The interim secretariat of SPRFMO reported that the draft convention of the future organization, which was currently under negotiation, incorporated provisions on port State measures and market-related measures, including measures to trace fish and fishery products.

(c) Measures adopted by relevant intergovernmental organizations

97. **Activities carried out by FAO.** In furtherance of its activities to combat IUU fishing activities, FAO reported that it had cooperated with Canada in connection with the organization of an expert consultation to develop criteria for assessing the performance of flag States and examine possible actions against vessels flying the flags of States not meeting such criteria, held in Vancouver, Canada, in March 2008. In accordance with a request made at COFI in 2007, FAO anticipated that it would convene an expert consultation on flag State performance before the end of 2008 so that it would be able to provide a report to the next meeting of COFI in March 2009. In addition, FAO indicated that ongoing cooperation had taken place between IMO, the International Labour Organization (ILO) and FAO on IUU fishing for many years, within the context of each organization's mandate. In 2007, the second Joint FAO/IMO Ad Hoc Working Group recommended strengthening the working relationship between IMO and FAO through more regularized meetings and identified a number of areas for collaboration (see A/62/66/Add.1, paras. 127-128).

98. With particular reference to paragraph 57 of General Assembly resolution 62/177, FAO pointed out that it was not working at this time on the development of guidelines on flag State control of fishing vessels. As indicated above, FAO expected to convene before the end of this year an expert consultation on flag State performance.

99. As to the establishment of a comprehensive global record of fishing vessels, FAO reported that an FAO Expert Consultation on Development of a Comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels was held in February 2008. The Expert Consultation, which stressed the urgency of this task, recognized the need for unique vessel and company identifiers, which would be extensive in scope and would not change even if the vessel changed flag, owner or name, and recommended their further development taking into account existing numbering schemes in use in IMO, EC, Lloyd's Register Fairplay, regional organizations and others. Further work on unique vessel identification schemes needed to be undertaken by a more specialized working group.

100. Such a global record, with an inclusive approach, could provide information to fisheries enforcement agencies, improve the traceability of vessels and fishery products in relation to IUU detection, provide transparency of vessel information and operation, strengthen risk assessment for both States and industry, and support decision-making on fleet capacity, management, safety, pollution, security, statistics and related issues. However, there was no intention behind the global record to create a "negative list".

101. **Activities carried out by other organizations and bodies.** Several international organizations reported that they had carried out activities to combat

IUU fishing in their respective areas of competence. The OECD Committee for Fisheries had undertaken studies to examine the environmental, social and economic effects of IUU fishing activities, explore the importance of IUU fisheries on the high seas, identify and analyse the economic drivers behind such activities and provide an inventory and analysis of possible actions that could be taken.[38] It also decided to work on a fisheries and aquaculture certification in its 2009-2011 Programme of Work in order to develop more effective measures to trace fish and fishery products. IMO was continuing its cooperation with FAO in combating IUU fishing through its participation in the FAO effort to develop a binding instrument on port State measures and the work of the Joint FAO/IMO Ad Hoc Working Group, including the consideration of the Working Group's recommendations in 2007. Those recommendations addressed such matters as the facilitation of the entry into force of the 1993 Torremolinos Protocol relating to the International Convention for the Safety of Fishing Vessels, 1977, as well as matters relating to flag States, port States, coastal States and market States. SEAFDEC cooperated with the Regional Plan of Action to Promote Responsible Fishing Practices (including Combating IUU Fishing) in the South-East Asian Region on MCS and ways to improve vessel registration.

102. GEF reported that, in cooperation with the World Bank, it was supporting sustainable fisheries development projects in nine West African countries under its Strategic Partnership for a Sustainable Fisheries Investment Fund in the Large Marine Ecosystems of Sub-Saharan Africa. The reduction of illegal fishing, the strengthening of the countries' capacity to sustainably govern and manage their fisheries, and an increase in the benefits derived from fisheries were among the objectives of the project. HELCOM indicated that the HELCOM Baltic Sea Action Plan addressed IUU fishing by urging the competent authorities to take action to further develop control of landings. The Convention on Biological Diversity advised that the thirteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held in February 2008, had recommended to the ninth meeting of the Conference of the Parties that the Convention on Biological Diversity secretariat compile and synthesize available scientific information on the impacts of destructive fishing practices and IUU fishing on marine biodiversity and habitats, and submit such information for consideration to future meetings of the Subsidiary Body prior to the tenth meeting of the Conference of the Parties.

(d) Activities carried out by non-governmental organizations

103. The International Coalition of Fisheries Associations (ICFA) stated that it participated actively in domestic and international forums where IUU fishing was addressed. It intended to participate in the FAO Technical Consultation to draft a legally binding instrument on port State measures to prevent, deter and eliminate IUU fishing. In cases where industry technical advice was sought, ICFA experts may be available to assist States formulate technically feasible rules and procedures, including industry-developed, voluntary market-based measures for compliance purposes.

[38] The study is reflected in the OECD publication *Why Fish Piracy Persists: The Economics of Illegal, Unreported and Unregulated Fishing* (2005).

2. Fishing overcapacity

(a) Measures taken by States

104. In its resolution 62/177, the General Assembly requested States to urgently reduce the world's fishing fleet overcapacity to levels commensurate with the sustainability of fish stocks, implement the IPOA-Capacity and eliminate subsidies that contributed to IUU fishing and overcapacity. It also requested States that were cooperating to establish RFMO/As to exercise voluntary restraint of fishing effort levels in the areas to be regulated under future RFMO/AS.

105. A number of respondents provided information on measures they had taken to reduce overcapacity in their fishing sector. EC stated that the Common Fisheries Policy regulated capacity containment and reduction of EC fleet through an entry-exit regime and capacity reference levels applicable to each member State (see A/60/189, para. 78). Latvia indicated that the European Fisheries Fund for 2007-2013 provided support for balancing the capacity of fishing vessels with fishery resources and it expected to reach a balance of its fleet by the end of 2013. Mexico was currently evaluating the size of its fishing fleet and drawing up a national plan of action on capacity. For Norway, the main instrument to reduce fishing overcapacity was the Structural Quota System (see A/62/260, para. 134). New Zealand indicated that its approach to managing fisheries, through the Quota Management System, did not use capacity controls (see A/60/189, paras. 81-82). Bahrain, Cambodia, Canada, Morocco, Oman, Senegal, Suriname and Yemen managed the fishing capacity of their fleet by limiting fishing licences, early retirement programmes, reducing or freezing fishing effort and access to some fisheries and fishing areas, and by introducing periods of biological rests. Cambodia had also mobilized its coastal small-scale fisheries communities to address the problem of overcapacity in coastal fisheries through a co-management policy. The United States national plan of action on capacity set the goal of significantly reducing or eliminating overcapacity in 25 per cent of United States-managed fisheries by 2009. Measures included buyout programmes and the implementation of limited access privileges for specific fisheries. The Bolivarian Republic of Venezuela stressed that discussions on fishing capacity should address the importance of maintaining the capacity level needed to cover domestic consumption demand, as well as the impact of reducing fishing capacity on economic activities, food security and national development plans.

106. As to the transfer of fishing capacity from one fishery to other fisheries, a number of States (Canada, New Zealand, United States) stated they were taking measures to strengthen management measures at the national and regional levels to control and prevent such transfers. Both New Zealand and the United States pointed out that, as participants in the negotiations for the establishment of the SPRFMO, they contributed to the adoption of precautionary interim conservation and management measures in 2007 for pelagic and bottom fisheries in the future convention area, pending the effective operation of the organization. Yemen suggested that voluntary restraint of fishing efforts should also be implemented in the regulatory area of the newly established South West Indian Ocean Fisheries Commission (SWIOFC). A number of respondents (Cambodia, Canada, Kuwait, Latvia, New Zealand, Norway, United States) indicated that they did not provide subsidies to their fishing fleets that contributed to IUU fishing and fishing overcapacity. New Zealand and the United States indicated that they were active

participants in the World Trade Organization negotiations on fisheries subsidies. The Bolivarian Republic of Venezuela indicated that, in support of special and differentiated treatment for developing countries, it considered it feasible to establish financing plans for small-scale fisheries.

(b) Activities carried out by relevant intergovernmental organizations

107. FAO reported that it promoted collaboration in the implementation of the IPOA-Capacity with all interested parties. Priority for such implementation was the development and implementation of national and regional plans of action in various countries and regions of the world. Cooperation in the implementation of the IPOA-Capacity had been limited owing to a lack of funding.

108. The World Trade Organization indicated that negotiations were currently taking place at the organization in respect of fisheries subsidies. Following the Doha Declaration, World Trade Organization Ministers in Hong Kong agreed that disciplines on subsidies should be strengthened in the fishing sector, including through the prohibition of subsidies that contribute to overcapacity and overfishing. They also agreed on an appropriate and effective special differential treatment for developing and least developed States, as an integral part of the fisheries subsidies negotiations, taking into account the importance of the fishing sector to development priorities, poverty reduction, and livelihood and food security concerns. Consequently, the World Trade Organization Negotiating Group on Rules was engaged in an intensive programme of work aimed at elaborating disciplines on fisheries subsidies, within which sustainability considerations had figured prominently.

(c) Activities carried out by non-governmental organizations

109. ICFA stressed that measures to manage fishing capacity were the responsibility of States. However, it remained ready to assist States in formulating technically feasible rules and procedures in cases where industry technical advice was sought. To foster understanding of the negative impacts of excess fishing on the sustainability of fisheries in developing States, ICFA was cooperating with the World Bank ProFish programme to further engage developing country fishing associations in international debate on issues of fishing capacity.

110. The Marine Stewardship Council (MSC) indicated that it was promoting sustainable fisheries and discouraging overcapacity and overfishing through the use of market forces, including the use of fishery certification and eco-labelling systems.

3. By-catch and discards

(a) Measures taken by States

111. Several respondents (Bahrain, Cambodia, Canada, EC, Kuwait, Morocco, New Zealand, Norway, Oman, Spain, United States, Bolivarian Republic of Venezuela, Yemen) reported that they had taken measures individually and/or within RFMO/As of which they were members to reduce by-catch of non-target species and juvenile fish. Senegal indicated that it was in the process of doing so. By-catch measures included the setting of a total annual amount of authorized by-catches (Canada, EC, New Zealand), prohibition of discards (New Zealand, Norway), establishment of

technical measures such as size limits (Canada, Kuwait, Mexico, Morocco, New Zealand, Bolivarian Republic of Venezuela), closed seasons (Cambodia, Canada, Kuwait, Mexico, New Zealand, Suriname, Bolivarian Republic of Venezuela), closed areas (Canada, Kuwait, Mexico, Norway, Yemen, Bolivarian Republic of Venezuela), gear restrictions and use of selective fishing gear (Bahrain, Cambodia, Canada, Kuwait, Mexico, New Zealand, Bolivarian Republic of Venezuela), mandatory reporting of lost gear (Canada), use of by-catch reduction devices (Kuwait, Suriname, United States, Bolivarian Republic of Venezuela) and turtle excluder devices (Cambodia, Canada, Kuwait, Mexico, Suriname, Yemen), as well as the introduction of bird-scaring techniques (Canada, Morocco, New Zealand) and cetacean acoustic deterrent devices (EC, Latvia). Several respondents were carrying out specific studies to reduce the by-catch of juvenile fish (Kuwait, New Zealand, United States) and sea turtles (EC, Spain).

112. In addition, some respondents had adopted (Canada, New Zealand, United States) or were planning to adopt an NPOA on Seabirds (EC, Latvia). Other respondents indicated that they were members or cooperating non-members of RFMO/As (CCAMLR, CCSBT, IATTC, ICCAT, NAFO, NASCO, NEAFC, North Pacific Anadromous Fish Commission (NPAFC), South Indian Ocean Fisheries Agreement (SIOFA), SPRFMO, WCPFC), that had mandates to conserve non-target species (Canada, EC, New Zealand, United States), and parties to agreements with the mandate to conserve dolphins (Mexico), seabirds (New Zealand, Senegal, Spain) or sea turtles (Cambodia, United States).

(b) Measures adopted by regional fisheries management organizations or arrangements

113. Several RFMO/As (CCSBT, GFCM, IATTC, ICCAT, NAFO, NASCO, NEAFC, SEAFO, SPRFMO, WCPFC, Western Central Atlantic Fishery Commission (WECAFC)) reported that they had implemented measures to reduce by-catch and discards, including those of juvenile fish in their regulatory areas. They had also adopted regulations to reduce incidental catch of seabirds and sea turtles (IATTC, ICCAT, NAFO, SEAFO, WCPFC), through the mandatory use of mitigation devices (CCSBT, ICCAT, SEAFO) and techniques (SEAFO) in fishing operations. Some RFMO/As had urged their respective members to implement the IPOA-Seabirds (IATTC) and/or adopted measures that were consistent with the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations (IATTC, NAFO). Other organizations and arrangements had taken action to introduce technical measures, including closed seasons (IATTC, NAFO) and closed areas (NAFO), as well as size limits (NAFO) and gear requirements (IATTC, NAFO) to reduce by-catches. IATTC indicated that it specifically encouraged studies and research aimed at reducing or eliminating by-catch of juvenile fish. GFCM stated that it planned to hold two workshops in 2008 on by-catch and incidental catches, in collaboration with the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area.

114. NASCO stated that there was no significant by-catch problem in the salmon fisheries, but it was concerned about salmon by-catch in other fisheries. NEAFC indicated that pelagic fisheries in its regulatory area were clean single species fisheries without major by-catches. However, since 2007 it had banned the use of gill nets in deep sea fisheries owing to their by-catch and discard problems.

(c) Measures taken by relevant intergovernmental organizations

115. **Activities carried out by FAO**. FAO continued to promote the avoidance of the incidental capture of seabirds within its activity entitled "Impact of fishing on the environment", through the promotion and use of environmentally friendly gears, selectivity techniques and formulation of best practice guidelines for fishing operations. It had also provided a review of measures taken by intergovernmental organizations to address sea turtle and seabird interactions in marine capture fisheries.[39]

116. FAO was scheduled to convene an expert consultation in 2008 to develop a draft document entitled "Reduction of seabird by-catch in longline fisheries and other relevant gears: Best practice guidelines for NPOAs". It expected to publish an FAO manual detailing best practice guidelines for longline and trawl fisheries during the expert consultation.

117. **Activities carried out by other organizations and bodies**. GEF funded a project entitled, "Reduction of environmental impact from tropical shrimp trawling" in cooperation with UNEP, FAO and the Governments and the private sector of 12 countries and SEAFDEC, to reduce discards of fish captured by shrimp trawlers through the introduction of technologies that reduced catch of juvenile food-fish and other by-catch. A follow-up project in the East Asian region was under preparation.

118. SEAFDEC had promoted among its member countries the development of devices and gear aimed at excluding turtles and juvenile fish from catch. It had also cooperated with FAO on the issues of by-catch and trash fish. Results and recommendations emanating from this cooperation had been disseminated to SEAFDEC member countries.

(d) Activities carried out by non-governmental organizations

119. ICFA endeavoured to work with its member associations to promote ecosystem-based management and the need to control fishing mortality in both target and non-target species, full utilization of harvested species, and the importance of allowing juveniles to reach maturity.

120. MSC contributed to the reduction of by-catch of seabirds, turtles, dolphins and other non-target species through a fishery certification and eco-labelling system. MSC had established an MSC Standard with which all fisheries had to abide if they wished to be certified as operating in a sustainable way. In order to meet the Standard, a fishery was required to satisfy a set of performance criteria in relation to its impact on the fish stocks and the marine ecosystem in which it operated, as well as its overall management. Certification by MSC would enable fisheries to differentiate their products in increasingly global and competitive market places.

4. Global moratorium on drift-net fishing

(a) Measures taken by States

121. Several respondents (Bahrain, Canada, EC, Kuwait, Latvia, Mexico, Morocco, New Zealand, Oman, Spain, United States) reported that they prohibited large-pelagic drift-net fishing, in accordance with General Assembly resolution 46/215.

[39] FAO Fisheries Circular 1025 (2007).

Canada and the United States indicated that they continued to work with members of NPAFC to coordinate monitoring and surveillance efforts, which included targeting vessels using high seas drift-nets in the Convention Area. The United States also worked within the forum of the North Pacific Coast Guard to coordinate high seas drift-net and IUU-fishing patrol efforts and carry out enforcement. The North Atlantic Coast Guard Forum, modelled on the North Pacific Forum, was in the formative stages. In 2007, the United States and China had continued to work together to ensure the effective implementation of General Assembly resolution 46/215 regarding drift-net fishing on the high seas, including through a shiprider programme established under a memorandum of understanding concluded in 1993 (see A/55/386, para. 38). China had provided 46 enforcement officials to the United States Coast Guard since 1994.

122. Cambodia, Norway, Suriname and the Bolivarian Republic of Venezuela reported that their vessels did not conduct drift-net fishing activities (see also A/62/260, para. 151).

(b) Activities carried out by non-governmental organizations

123. ICFA stated that it opposed large-scale pelagic drift-net fishing. It was convinced that the use of this indiscriminate fishing gear type was harmful to a wide range of non-target species.

VI. International cooperation to promote sustainable fisheries

A. Subregional and regional cooperation through regional fisheries management organizations or arrangements

1. Measures taken by States

(a) Cooperation within existing regional organizations

124. Several respondents reported that they were members of RFMO/As that had a mandate to manage straddling fish stocks or highly migratory fish stocks, such as Asia-Pacific Fishery Commission (APFIC) (Cambodia), CCAMLR (EC, New Zealand, Norway, Poland, United States), CCSBT (New Zealand), GFCM (Algeria, EC), IATTC (Mexico, United States, Bolivarian Republic of Venezuela), ICCAT (Algeria, Canada, EC, Mexico, Norway, United States, Bolivarian Republic of Venezuela), IOTC (EC), NAFO (Canada, EC, Norway, Poland, United States), NASCO (Canada, United States), NEAFC (EC, Norway), NPAFC (Canada, United States), RECOFI (Qatar), SEAFDEC (Cambodia), SEAFO (EC, Norway), and WCPFC (Canada, EC, New Zealand, United States). New Zealand indicated that it was a member of an arrangement with the Government of Australia for the conservation and management of orange roughy on the South Tasman Rise. In addition, Cambodia (ICCAT), Canada (IATTC, NEAFC), New Zealand (NEAFC), Senegal (WCFPC) and Yemen (IOTC, SWIOFC) indicated that they held the status of cooperating non-party or observer in RFMO/As of which they were not members or participants. Senegal was also cooperating actively with ICCAT and IOTC. Yemen planned to join IOTC in the near future and indicated an interest in joining SIOFA. The United States indicated that it actively participated in RFMO/As of which it was not a member.

125. With reference to SEAFO, Canada, New Zealand, the United States, the Bolivarian Republic of Venezuela and Yemen pointed out that since no vessels flying their flags were fishing in areas under its competence, they were not currently planning to seek membership within that organization. Regarding SIOFA, New Zealand stated that although vessels flying its flag no longer fished in that area, it had signed the SIOFA agreement in 2006 and supported the development and implementation of any interim measures agreed to by signatories to that instrument. Norway also indicated that it was a member of both SIOFA and SEAFO. Canada, the United States and the Bolivarian Republic of Venezuela reported that no vessel flying their respective flags was conducting fishing operations in the SIOFA area.

126. With regard to other cooperation efforts at the regional and subregional levels, Senegal reported that it had concluded agreements with neighbours in the West African subregion within the framework of the Subregional Commission on Fisheries, which were reflected in Senegalese fisheries legislation. Suriname reported that it was a member of CRFM and was negotiating with other members to reach a regional policy regime. Bahrain, Oman and Qatar made reference to their cooperation with other States through the Gulf Cooperation Council. Cambodia highlighted cooperation efforts through ASEAN-SEAFDEC, and with other South China Sea countries, as well as specific cooperation in managing transboundary stocks with Thailand and Viet Nam. The United States and Canada reported that they had worked together to conserve and manage transboundary stocks of Pacific whiting (also known as Pacific hake) and North Pacific albacore tuna. Canada also reported that it cooperated with the United States with regard to Pacific halibut and Pacific salmon. In addition, Canada cooperated with France through a 1994 Procès-verbal (under the Canada-France Agreement).

(b) Cooperation in the establishment of new regional organizations

127. Canada, New Zealand and the United States noted the ongoing efforts to establish a new RFMO to manage non-highly migratory fish stocks in high seas parts of the South Pacific Ocean (SPRFMO). New Zealand reported that in 2007 participants had accepted its offer to host the interim secretariat, which had now been established in Wellington, New Zealand. New Zealand further reported that it was in the process of implementing the interim measures adopted by the participants in the negotiations in April/May 2007.

128. Attention was also drawn by Japan and the United States to ongoing negotiations to establish a new RFMO/A to conserve and manage straddling and/or discrete high seas fish stocks in the North-Western Pacific. Japan, as the interim secretariat for the Management of High Seas Bottom Fisheries in the North-Western Pacific Ocean, and the United States reported that interim measures consistent with paragraphs 83 and 85 of General Assembly resolution 61/105 had been adopted by the participants in those negotiations in January 2007 and subsequently amended in October 2007. At their fourth intergovernmental Meeting, held in Vladivostok, Russia, from 14 to 16 May 2008, the participants discussed the conclusion of a long-term agreement, and returned to the question of whether to expand the scope of the draft convention to cover all high seas areas of the North Pacific Ocean (southern boundary to be determined) and to include all species not currently covered under existing international arrangements. Such discussions would continue at the fifth meeting, to be held in Tokyo in October 2008.

129. SEAFDEC reported that under the ASEAN-SEAFDEC Strategic Partnership, it was working on a process to establish a regional fisheries management mechanism.

(c) Enhancing cooperation among regional organizations

130. Canada, New Zealand, Norway and the United States expressed support for enhanced cooperation among existing and developing RFMO/As of which they were members or participants.[40] In that regard, reference was made to the Joint Meeting of Tuna RFMOs, held in Kobe, Japan, in January 2007 (Australia, Canada, EC, Japan, New Zealand). The United States expressed support for the implementation of the Course of Action which resulted from that meeting. The United States also reported that it had hosted a meeting of a technical group endorsed by the Kobe meeting in July 2007, which considered trade-tracking schemes, and that the next joint meeting of the tuna RFMOs would be held in EC in 2009. Canada indicated that it was considering joining NEAFC, inter alia, in order to promote stronger linkages and fishing relations between NAFO and NEAFC members.

(d) Enhancing the performance of regional organizations

131. Canada, New Zealand, the United States and the Bolivarian Republic of Venezuela expressed their support for performance reviews to enhance the performance of RFMO/As. New Zealand reported that it was working through RFMO/As of which it was a member to encourage performance reviews of RFMO/As. Further, it was coordinating a performance review of CCSBT during 2008, which would include a self-assessment of the RFMO against the criteria developed in connection with the joint meeting of tuna RFMOs in Kobe. This assessment would be performed by a working group made up of members of the RFMO, and reviewed by independent expert(s). Both the self-assessment report and the independent expert(s) report would be made publicly available. In addition, Canada highlighted its role in efforts to reform NAFO and ICCAT and New Zealand reiterated its support for the decision of CCAMLR to undertake a performance review during 2008.

132. States also emphasized that performance reviews should be performed against objective criteria (United States), made publicly available (New Zealand, United States), and include an element of independent evaluation (United States), and that the results should be made publicly available (New Zealand). The United States indicated that after the Kobe meeting in January 2007, the use of a common set of criteria and a common methodology for performance reviews was discussed at a side event hosted by the United States during the sixth round of the informal consultations of the States parties to the Agreement in New York in April 2007. The President of the meeting, in his role as facilitator of the Kobe process, circulated the criteria resulting from that side-event discussion to the tuna RFMOs and other RFMO/As for their information and consideration in conducting their performance reviews. The United States stated that it would be working within those RFMO/As in which it participated to encourage such reviews, and welcomed progress made in conducting performance reviews in CCAMLR, CCSBT, ICCAT, IOTC and NEAFC. NASCO also indicated that it had undergone a performance review of its activities

[40] The Ad Hoc Open-ended Informal Working Group emphasized the importance of cooperation and coordination among RFMOs in the conservation and management of marine biological diversity in areas beyond national jurisdiction (see A/63/79, para. 24).

and implemented many of the decisions arising from the review. SEAFO reported that its Commission had decided to undertake a performance review not later than 2010.

133. Canada, New Zealand and the United States also expressed support for the development of best practice guidelines to be applied in RFMO/As of which they were members or participants. New Zealand reported that it had contributed to the work of the Ministerial High Seas Task Force on IUU fishing, which had initiated best practice guidelines recently completed by Chatham House.

134. In addition, Canada, Latvia and New Zealand pointed out that they had taken measures to contribute to the development of regional guidelines for adequate sanctions for non-compliance with fishery regulations by vessels flying their flags, including through RFMO Compliance Committees (New Zealand; see also A/62/260, paras. 161-163).

2. Measures adopted by regional fisheries management organizations or arrangements

(a) Membership/participation of States with a real interest in regional fisheries management organizations or arrangements

135. CCSBT, IATTC, ICCAT, NAFO, NASCO, SEAFO and SPRFMO indicated that all States having a real interest in the fisheries under their management may become members of their organizations or participants in their arrangements, in accordance with the relevant provisions of the Agreement. IATTC reported that the provisions of the Antigua Convention would make it easier for new members to join and that in recent years several new members had become parties to the Convention establishing IATTC. SEAFO anticipated welcoming additional contracting parties in the foreseeable future. NEAFC reported that, although all three applications for Contracting Party status since 1982 had been unsuccessful, there was a small cooperative quota in the redfish fishery available to non-members.

(b) Modernization of regional fisheries management organizations or arrangements

136. Many reporting RFMO/As highlighted measures they had taken to implement modern approaches to fisheries management as reflected in the Agreement and other relevant international instruments. Such measures included: increased reliance on scientific information (CCSBT, GFCM, IATTC, NAFO, SEAFO, WCFPC), application of the precautionary approach (GFCM, IATTC, NAFO, NASCO) and ecosystem approaches and biodiversity considerations (GFCM, IATTC, ICCAT, NAFO, NASCO, SEAFO, WCPFC). ICCAT indicated that while the precautionary approach was not adopted as a formal decision-making mechanism, its conservation and management measures took into account the outcome of scientific stock status evaluations and maximum sustainable yield related benchmarks. NAFO reported that in the 2007-2008 period, it had closed five sensitive marine habitats to bottom fishing. SPRFMO noted that consultations were being undertaken with the objective of achieving a convention that incorporated the best practices of modern fisheries management. In addition, IATTC underscored that the objective of the Antigua Convention was to ensure the long-term and sustainable use of the fish stocks it covered.

(c) Transparency in the management of regional fisheries management organizations or arrangements

137. A number of RFMO/As also reported on measures they had taken to improve transparency in their management regimes, such as making reports publicly available (CCSBT, NEAFC, SPRFMO), maintaining a public website (NAFO), clearly identifying the methodology for allocating fishing rights (CCSBT), adopting guidelines for future fishing opportunities (NAFO), allowing the participation of intergovernmental organizations and granting observer status to non-governmental organizations (NAFO, NEAFC), responding to queries from the public and attending conferences and meetings (NEAFC). IATTC and SEAFO also made reference to transparency provisions in their constitutive instruments.

(d) Strengthening cooperation with other fisheries bodies and other relevant international organizations

138. Many RFMO/As (GFCM, NAFO, NEAFC, SEAFO and WCPFC) reported on their cooperation with other fisheries bodies on issues of mutual interest and with other relevant international organizations (GFCM, NEAFC, SEAFO, WCFPC, WECAFC).[41] In particular, GFCM cooperated with professional organizations in the fishing sector, such as the Mediterranean Association of Fisheries Organization and the International Angling Confederation. WECAFC indicated that it cooperated with a number of regional partner agencies, such as the UNEP Caribbean Regional Seas Programme, CARICOM-CRFM, Caribbean Fisheries Management Council (CMFC), and the Institut français de recherche pour l'exploitation de la mer. NAFO and NEAFC had strong working relations with international organizations such as ICES and the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), respectively. All reporting RFMO/As indicated that they cooperated with the FAO Fisheries and Aquaculture Department.

B. International cooperation to enhance capacity-building

139. The international community recognizes the importance of providing assistance to developing States to build their capacity for the conservation and sustainable use of fisheries resources in areas within and beyond national jurisdiction. Such assistance should focus on increasing the ability of the fishing sector in developing countries, particularly small-scale fisheries, with a view to contributing to poverty alleviation and food security, enhancing economic returns from fishing activities conducted in areas under their national jurisdiction by distant-water fishing nations under access agreements, building capacity for MCS and enforcement capabilities to combat IUU fishing, and increasing capacity of developing States to develop their own fisheries in areas under national jurisdiction and on the high seas managed by RFMO/As.

1. Areas of assistance to developing States

140. Canada, Mexico, New Zealand, Spain, the United States and the Bolivarian Republic of Venezuela provided information on assistance they had extended to developing States to promote sustainable fisheries (see also A/62/260,

[41] The Ad Hoc Open-ended Informal Working Group emphasized the importance of cooperation and coordination between RFMOs and non-fisheries organizations (see A/63/79, para. 24).

paras. 169-174). New Zealand reported that it provided financial and technical support to the South Pacific Forum Fisheries Agency and the secretariat of the Pacific Community, to enhance the capacity of developing Pacific Island States and Territories. Discrete fisheries rehabilitation and livelihood projects were being supported, including projects established following the 2007 earthquake and tsunami in the Solomon Islands. Spain stated that it had programmes to provide financial and technical assistance and training for developing States in various aspects of fisheries conservation and management. The United States reported that, in April 2008, a team from NOAA, in collaboration with the Ministry of Fisheries for Ghana, conducted marine observer training in Ghana onboard a United States navy vessel. The training covered a wide range of topics including observer programme policies, fisheries legislation, enforcement and IUU issues, research activities and stock status for stocks off the coast of West Africa. Safety and scientific equipment was also provided to Ghana.

141. Canada reported that its assistance to developing States included six post-tsunami rehabilitation projects, a major coastal and marine environment project in Tomini Bay, Indonesia, an internship programme through the Fisheries and Marine Institute of the Memorial University of Newfoundland, which delivered development assistance in the fisheries sector in various regions, and the provision of 50,000 Canadian dollars to support the FAO Conference on Small-Scale Fisheries, to be held in Thailand in October 2008. The Bolivarian Republic of Venezuela pointed out that it had provided financial support to other developing States for various initiatives to improve their fisheries sectors, including small island developing States. Mexico also reported that it had established cooperation and exchange programmes with Central American States and collaborated, in particular with Guatemala, El Salvador and Honduras, in scientific and technical areas.

(a) Enhancement of opportunities for sustainable development, development of fisheries and participation in high seas fisheries

142. Spain reported that, as a distant-water fishing nation, it had provided training to officials and technical experts of African countries in MCS and maritime health as part of its cooperative programme for the sustainable development of the fishing sector in African countries. In addition to its existing scientific cooperation with developing countries with regard to stock assessments, which involved the participation of scientists from developing States and used Spanish oceanographic research vessels, in 2006 and 2007, Spain had signed memorandums of understanding on fishing and aquaculture cooperation with several countries. Canada reported that it supported the MCS Network, and had helped to ensure the attendance of representatives of developing States at the meeting of the Network held in Vancouver, Canada, in January and February 2007.

(b) Access agreements/arrangements negotiated by distant-water fishing nations with developing coastal States

143. The United States reported that, in the limited circumstances in which its vessels fished in waters within the national jurisdiction of other States, it negotiated equitable access agreements and ensured that vessels flying the flag of the United States were duly licensed and complied with the highest standards of reporting and MCS, including through the use of VMS and observers. It noted that the 1987

multilateral Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America was often identified as a model access agreement.

(c) Assistance received by developing States and assistance needs of developing States

144. Cambodia, Bahrain and Yemen reported on the assistance they had received from other States and regional and global organizations. Bahrain stated that it had received assistance from other States in the region to introduce selective shrimp nets to address by-catch of juvenile fish. Cambodia received financial and technical assistance from a number of regional and global organizations, including ASEAN-SEAFDEC, the joint Swedish International Development Cooperation Agency-SEAFDEC programme, UNEP, FAO, the Japan International Cooperation Agency, and the WorldFish Centre. It had also collaborated with regional and global organizations to implement sustainable fisheries management, including through the implementation of the ASEAN-SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region.

145. Yemen reported that a rural development programme project carried out in cooperation with the International Development Agency of the World Bank included training courses in fish handling, securing fishing and other matters.

146. Qatar and Yemen provided information concerning their assistance needs. Qatar stated that it was in need of technical and scientific assistance for the study of fish stocks and the collection and exchange of statistical information. Yemen reported that it would benefit from a project with the United Nations Development Programme to assess the implementation of Yemen's commitments under international and regional instruments regarding sustainable fisheries.

147. In addition, Canada reported that it had encouraged the participation by the World Bank PROFISH in the annual meeting of the Asia-Pacific Economic Cooperation (APEC) Fishing Working Group, held in April 2008, with a view to sharing information about the Bank's fisheries programmes with APEC members and promoting greater assistance and coherence in assistance to developing States regarding conservation and management of fish stocks.

(d) Assistance to developing States in the implementation of General Assembly resolution 61/105, paragraphs 83 to 91

148. A number of RFMO/As reported on efforts to assist developing States in the implementation of actions called for in paragraphs 83 to 91 of General Assembly resolution 61/105, in accordance with paragraph 113 of resolution 62/177. IATTC assisted some developing States in the formulation and operation of national observer programmes which sought to obtain scientific information and monitor the application of IATTC regulations. SEAFDEC, in its implementation of the ASEAN strategy to reduce disparities among member countries, provided advice and capacity-building to the lesser developed countries of the South-East Asian region. WCPCF established a Special Requirements Fund which allowed for the continued and effective participation of developing States in the work of the Commission, including its meetings and those of its subsidiary bodies.

149. The interim secretariat for SPRFMO reported that its interim conservation and management measures, which included measures relating to bottom fishing, took note of the special requirements of developing countries, in particular small island developing States. Further, participants in the negotiations were encouraged to provide financial, technical and scientific assistance to enhance the ability of those developing States and territories to implement the interim measures and to participate effectively in the negotiations for the establishment of SPRFMO. New Zealand stated that, as a participant in the negotiations, it had offered such assistance.

2. Assistance under the United Nations Fish Stocks Agreement

(a) Addressing the requirements of developing States under Part VII of the Agreement

150. New Zealand reported that it supported programmes to strengthen fisheries institutions in the Cook Islands and Solomon Islands. These programmes strengthened the capacity for sustainable management of fisheries and the development of domestic fisheries industries in these two States, including through increased domestic value added processing.

151. New Zealand, Norway, the United States and the Bolivarian Republic of Venezuela reported on assistance to developing States to enhance their participation in RFMO/As. New Zealand stated that it supported the participation of Pacific Island developing States in RFMO/As by providing support to several Pacific regional institutions and through bilateral development assistance programmes with such States. Norway reported that it had provided legal assistance to developing States in connection with the negotiations for the establishment of SWIOFC and SIOFA and had provided technical support to Namibia for the establishment of the SEAFO secretariat.

152. The United States reported that it had led efforts to provide a financial assistance mechanism in the financial regulations of WCPFC to ensure the participation of developing States in the meetings of WCPFC and to build fisheries management capacity. It had also supported efforts within ICCAT to provide financial assistance to developing State members to improve data collection and data sharing, through the ICCAT data fund. It continued, at the bilateral and multilateral levels, to promote gear modification and the use of selective fishing gear, including technical assistance on the use of turtle excluder devices. The Bolivarian Republic of Venezuela noted that it supported initiatives for cooperation with small island developing States in developing their fisheries. Consistent with its position in the World Trade Organization, the Bolivarian Republic of Venezuela noted that special and differentiated treatment in favour of developing States must be more than an instrument to help those States implement new rules: it must also allow them to exploit their resources within their maritime space.

(b) Promoting further ratification of or accession to the Agreement

153. During the seventh round of the informal consultations of States parties to the Agreement, it was agreed that enhancing the capacity of developing States to conserve and manage straddling fish stocks and highly migratory fish stocks was an important element of promoting a wider participation of developing States in the Agreement. It was therefore recommended that future meetings of the informal

consultations should address capacity-building and assistance measures for the benefit of developing States to enable them to become party to and fully implement the Agreement (see paras. 31-32 above).

154. In order to assist in this process, the Division for Ocean Affairs and the Law of the Sea (the Division) sought information from developing States concerning their needs with respect to the conservation and management of straddling fish stocks and highly migratory fish stocks. The Division also requested all States and relevant intergovernmental organizations to provide information regarding any fund, programme or other vehicle for capacity-building available in their respective country or organization, as appropriate, to assist developing States build their capacity to conserve and manage fishery resources, including straddling fish stocks and highly migratory fish stocks. A compilation of the information provided by States and intergovernmental organizations will be submitted to the next round of the informal consultations.

(c) Status of the Assistance Fund

155. Pursuant to paragraph 21 of the Terms of Reference of the Fund, FAO provided a financial report on the status of the Assistance Fund as at 31 December 2007 (see annex II to the present report). The report stated that the total of the contributions to the Fund,[42] together with interest, amounted to $859,898. Of the total expenditure of $51,635 in 2007, 47 per cent was used to support attendance at meetings held by RFMO/As by representatives of developing States parties; 8 per cent was used to support attendance at the sixth round of the informal consultations; and 43 per cent was used to support the participation by developing States in the negotiation sessions for the establishment of the proposed SPRFMO. The remaining portion (2 per cent) was used to meet FAO administrative expenses.

156. With regard to measures to further publicize the Fund, FAO reported that it had informed eligible countries of the availability of the Fund through meetings and direct contact with secretariats of RFBs. The Division also encouraged developing States to avail themselves of the Fund and had invited them to provide comments regarding the application and award procedures of the Fund.

157. During the seventh round of the informal consultations, FAO and the Division proposed revisions to the Terms of Reference, in accordance with paragraph 23, to promote the efficient and transparent operation of the Assistance Fund established under Part VII of the Agreement. In particular, the proposed revisions sought to clarify certain procedural matters relating to the submission of applications, the process for the determination of applications, the use of financial assistance provided from the Fund, and the reporting obligations of recipients of financial assistance. The proposed revisions were accepted by the States parties with minor changes.[43]

[42] As at 31 December 2007, the contributors were Canada ($454,178), Iceland ($50,000), Norway ($95,475), and the United States ($215,000).

[43] The Terms of Reference of the Assistance Fund, as revised at the seventh round of the informal consultations, are available from the website of the Division at http://www.un.org/Depts/los/convention_agreements/fishstocktrustfund/fishstocktrustfund.htm.

3. Assistance provided by relevant international organizations

(a) Activities carried out by the Food and Agriculture Organization of the United Nations

158. FAO reported that its FishCode Programme served as the principal means through which it supported the implementation of the Code of Conduct and related instruments. Some of the capacity-building activities planned for 2008 included regional capacity-building workshops and follow-up technical support at the national level under the Status and Trends in Capture Fisheries Project, which facilitated the implementation of the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries. These activities were planned with particular attention to South-East Asia, Central America, Pacific small island developing States, China and West Africa.

159. Under the Custom Training Courses Project, which collaborated with the Fisheries Training Programme of the United Nations University and national training institutions and personnel, short courses covering themes such as co-management, fishing vessel stability, fish product quality assurance, profitability of aquaculture enterprises, and fisheries policy and planning would be held. In addition, course materials would be assembled into standard packages for Internet distribution and for use and adaptation in other courses.

160. Capacity-building support would continue to be provided in order to promote, inter alia, implementation of port State and other measures to combat IUU fishing; an enabling environment for small-scale fisheries, including, for example, through participation in voluntary eco-labelling schemes; implementation of national information and communication strategies related to the Code of Conduct in developing countries; and improved cooperation between existing and developing RFMO/As.

161. In relation to small-scale fisheries, FAO and the Government of Thailand, in collaboration with SEAFDEC and the WorldFish Centre, were convening in Bangkok, from 13 to 17 October 2008, a global conference on the theme "Securing sustainable small-scale fisheries: bringing together responsible fisheries and social development". FAO was also developing a broad-based programme for sub-Saharan African countries which would focus on capacity-building in support of small-scale fisheries livelihoods, including aquaculture. Efforts to strengthen community-based fisheries management and safety at sea were continuing in various regions. In addition, FAO was seeking to increase the ability of small-scale fisheries to access certification and eco-labelling schemes, thereby expanding their access to international markets.

(b) Activities carried out by other relevant organizations and bodies

162. The World Bank, as an implementing agency of GEF, reported that the GEF International Waters focal area had funded IW-Learn, a project dedicated to supporting the exchange of knowledge between projects in the International Waters portfolio, which included activities such as facilitating access to information about transboundary water resources among GEF International Waters projects, structured learning among GEF International Waters projects and cooperating partners, and organizing biennial International Waters conferences. The Coral Triangle Initiative Programmatic Approach, approved by the GEF Council in April 2008, involved the

protection and sustainable use of a multi-country area of coasts and oceans in East Asia and the Pacific. GEF noted that changing climate and overfishing were said to threaten the transboundary movement of tuna and its resulting economic benefits to the Pacific Islands. GEF had committed $63 million and leveraged an additional sum of more than $400 million for this programme.

163. OECD also reported that it had published a study in 2006 entitled *Fishing for Coherence: Fisheries and Development Policies*, which provided a conceptual basis for analysing policy coherence for development in fisheries and compared fisheries policies in OECD and non-OECD countries, mostly developing countries, through case studies. The study also sought to establish a good understanding of fisheries policy coherence, including economic impacts, to underpin the establishment of appropriate institutional mechanisms for improved coherence and to examine capacity-building requirements. In addition, COFI and the OECD Development Assistance Committee co-hosted a workshop in 2006 on Policy Coherence for Development in Fisheries. The Workshop provided a forum for furthering considerations on policy coherence for development in the field of fisheries.

C. Cooperation and coordination within the United Nations system

164. In paragraph 103 of resolution 61/105, the General Assembly requested the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for RFMOs and their member States. Pursuant to this request, GEF reported that the GEF International Waters focal area had a long history of stimulating development of multiagency collaboration and that it would continue to promote this collaboration to meet water-related development targets agreed by the international community such as the targets in the Johannesburg Plan of Implementation. Partnerships among several international agencies would continue to be pursued to assist them in working together more coherently within comparative advantages consistent with country priorities and United Nations reforms currently being undertaken (see also A/62/260, paras. 184-193).

165. UNEP stressed that regional and international cooperation was of vital significance to address the problem of abandoned, lost and derelict fishing gear. It emphasized the value of cooperating with FAO and its related RFBs. With a view to achieving greater coordination and cooperation between United Nations system agencies and bodies, and to encourage a more concerted and comprehensive response from national Governments as well as relevant industries, UNEP and FAO had joined forces to undertake a global review entitled "The problem of derelict fishing gear: global review and proposals for action". The objective was to review available relevant information and assess the feasibility of the development of joint programmes, activities, capacity-building, education and public and sectoral outreach between RFBs and RSPs. A draft of the review document had been finalized recently.

166. FAO reported that it would implement an extrabudgetary project, funded by Japan, to support and strengthen the functions of and coordination among RFBs/RFMOs from 2008. The project would include support for the biennial meetings of RFBs/RFMOs through the development of a website which would

function as a common platform for dialogue among RFBs and strengthening data sharing among RFMOs.

167. The Division was cooperating with FAO on matters concerning the legal and policy framework relevant to fisheries governance. Of particular relevance was the continued cooperation between FAO and the Division in the administration of the Assistance Fund established under Part VII of the Agreement. The Division also attended FAO meetings related to the development of instruments to improve fisheries governance, including the Technical Consultation to draft a legally binding instrument on port State measures to prevent, deter and eliminate IUU fishing, and the Technical Consultation on International Guidelines for the Management of Deep Sea Fisheries in the High Seas. FAO regularly participated in meetings convened by the Division, including the seventh round of informal consultations of States parties to the Agreement, the Ad Hoc Open-ended Informal Working Group, and the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, and continued to provide information within its area of competence for the annual reports of the Secretary-General on oceans and law of the sea and on sustainable fisheries prepared by the Division.

168. In paragraph 105 of resolution 61/105, the General Assembly invited the Division, FAO and other relevant bodies of the United Nations system to consult and cooperate in the preparation of questionnaires designed to collect information on sustainable fisheries, in order to avoid duplication. FAO indicated that the main area of potential overlap in reporting related to the biennial questionnaire of FAO with respect to the implementation of the Code of Conduct (see also A/62/260, para. 192). Accordingly, it was investigating the feasibility of changing the reporting for the Code of Conduct from paper to electronic reporting. That matter may be discussed at the 2009 session of COFI.

VII. Concluding remarks

169. Information provided by States, RFMO/As and other relevant organizations and bodies demonstrates that ensuring the sustainable development of fisheries remains a significant challenge for the international community: most of the world's main capture fisheries have reached their maximum potential, unsustainable fishing practices persist in most areas of the world and VMEs are being adversely impacted by non-selective fishing gear and techniques, while demand for fish products has increased and is expected to continue to increase in the foreseeable future. Increased efforts towards responsible fisheries are needed if the commitments set out in the Johannesburg Plan of Implementation to achieve sustainable fisheries by 2015 are to be met.

170. For this purpose, it is imperative to address effectively unsustainable fishing practices and promote universal participation in international instruments that provide for the long-term conservation and sustainable use of fishery resources, including the Agreement. It is equally vital to achieve broad and effective application of FAO fishery-related instruments, such as the Code of Conduct and associated IPOAs, which promote the conservation and sustainable use of marine living resources and enhance responsible fisheries in the marine ecosystem.

171. New initiatives to promote sustainable fisheries that target economic incentives behind unsustainable fishing practices also need to be pursued by States,

RFMO/As and other stakeholders, including effective port State measures, flag State certification of catches, harmonization of IUU vessel lists by RFMO/As, and trade-related measures to trace fish and fishery products.

172. In promoting sustainable fisheries, the special requirements of developing States in relation to the conservation and management of fishery resources also need to be recognized. Technical and financial assistance as well as other forms of capacity-building should be provided to developing States to enhance their capacity to conserve and manage fishery resources in areas under their national jurisdiction, or allow them to participate in fisheries for straddling fish stocks or highly migratory fish stocks in high seas areas. Funds, programmes and other vehicles for capacity-building that have been developed by a number of States and relevant international organizations can contribute to enhancing the capacity of develop[illegible]g States in this regard.

Annex I

List of respondents to the questionnaire

States and entities

Algeria
Bahrain
Cambodia
Canada
European Community
Kuwait
Latvia
Lebanon
Mexico
Morocco
New Zealand
Norway
Oman
Poland
Qatar
Senegal
Spain
Suriname
United States of America
Venezuela (Bolivarian Republic of)
Yemen

United Nations agencies, programmes and funds, and related organizations

Convention on Biological Diversity
Food and Agriculture Organization of the United Nations
Global Environment Facility
Baltic Marine Environment Protection Commission
International Maritime Organization
United Nations Environment Programme
World Trade Organization

Other intergovernmental organizations

Organization for Economic Cooperation and Development

Regional fisheries management organizations and arrangements

Commission for the Conservation of Southern Bluefin Tuna
General Fisheries Commission for the Mediterranean
Inter-American Tropical Tuna Commission

International Commission for the Conservation of Atlantic Tunas
International Whaling Commission
Interim secretariat for the Management of High Seas Bottom Fisheries in the North-Western Pacific Ocean
Northwest Atlantic Fisheries Organization
North Atlantic Salmon Conservation Organization
North East Atlantic Fisheries Commission
Southeast Asian Fisheries Development Center
South East Atlantic Fisheries Organization
Interim secretariat of the South Pacific Regional Fisheries Management Organization
Western and Central Pacific Fisheries Commission
Western Central Atlantic Fishery Commission

Non-governmental organizations

Hellenic Marine Environment
International Coalition of Fisheries Associations
Marine Stewardship Council

Annex II

Financial Report of the Food and Agriculture Organization of the United Nations on the status of the Assistance Fund under Part VII of the United Nations Fish Stocks Agreement*

1. Introduction

In November 2003, the United Nations General Assembly, in its resolution 58/14, established an Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement), to assist developing States Parties in the implementation of the Agreement. It also decided that the Fund would be administered by the Food and Agriculture Organization of the United Nations (FAO). On 19 April 2005, the Fund was set up.[a] It is managed in accordance with the Fund's Terms of Reference and FAO financial regulations as well as other applicable rules.

2. Contributions to the Assistance Fund

The United Nations and FAO have made calls for contributions to the Assistance Fund at international forums, including sessions of the General Assembly and the FAO Committee on Fisheries as well as on the Assistance Fund's website.[b]

As at 31 December 2007, the Governments of Canada, Iceland, Norway and the United States of America, all States parties to the Agreement, had made financial contributions to the Assistance Fund totalling US$ 814,653. Table 1 shows contributions to the Fund together with accrued interest on the funds.

States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations and natural and juridical persons wishing to make contributions to the Assistance Fund are encouraged to do so and they should direct their payments to the following FAO bank account:

Bank:	HSBC New York
Address:	452 Fifth Ave. New York, NY, USA, 10018
Account Number:	000156426
Swift/BIC:	MRMDUS33
ABA/Bank Code:	021001088
Citing project:	MFT/GLO/124/MUL

* The present report is provided in accordance with para. 21 of the Terms of Reference for the Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

[a] Account MTF/GLO/124/MUL "1995 UN Fish Stocks Agreement — Part VII-Trust Fund.

[b] http://www.un.org/Depts/los/convention agreements/fishstocktrustfund. Contributions to the Fund should be made to the trust fund account established by FAO in accordance with paragraph 7 of the Terms of Reference of the Fund.

3. Requests for assistance from the Fund

Information about the existence and purpose of the Assistance Fund by the United Nations and FAO has been disseminated widely, including through electronic means and contacts with relevant regional fisheries bodies. In 2007, the number of requests (15 in total) for assistance from the Fund increased slightly over the level in the previous year (14 requests in 2006). Table 2 provides details of expenditure from the Fund as at 31 December 2007. Expenditure is categorized according to the purposes for which assistance is permitted and administrative expenses, as reflected, respectively, in paragraphs 14 and 20 of the Terms of Reference of the Fund.

In 2007, a total expenditure of $51,635 was made. Of the total expenditure for meeting participation: 47 per cent supported participation in technical and annual sessions of the Commission for the Conservation of Antarctic Marine Living Resources, International Commission for the Conservation of Atlantic Tuna, South-East Atlantic Fisheries Organization and the Western and Central Pacific Fisheries Commission (para. 14 (a) of the Terms of Reference); 8 per cent supported participation at the Informal Consultations of States Parties to the Agreement (para. 14 (b) of the Terms of Reference); and 43 per cent supported participation in negotiation sessions for the establishment of the South Pacific Regional Fisheries Management Organization.

4. Conclusion

The Assistance Fund was established, and is being managed, in accordance with its Terms of Reference and FAO financial regulations and other applicable rules. However, revision of the Terms of Reference is called for to strengthen the administration of the Fund.

The United Nations and FAO encourage States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations and natural and juridical persons to make voluntary financial contributions to the Fund. The United Nations and FAO seek to ensure that the Assistance Fund maintains a healthy funding level so that support for the implementation of the Agreement can be sustained.

In 2007, no application for assistance necessitated the convening of the panel, as provided for in paragraph 15 of the Terms of Reference. Three funded trips to participate in meetings were cancelled by the travellers: two because of the inability of the travellers to secure visas in time for the scheduled meetings and the other cancellation was for personal reasons.

Table 1
1995 United Nations Fish Stocks Agreement Part VII Trust Fund: Income account as at 31 December 2007
(United States dollars)

Donor	*2004*	*2005*	*2006*	*2007*	*Total*
United States	200 000[a]	—	—	15 000[b]	215 000
Iceland	—	50 000[c]	—	—	50 000
Norway	—	95 475[d]	—	—	95 475
Canada	—	—	64 230[e]	389 948	454 178[f]
Accrued interest on funds	2 705	6 248	14 725	21 567	45 245
Total	**202 705**	**151 723**	**78 955**	**426 515**	**859 898**

[a] June 2004.
[b] September 2007.
[c] April 2005.
[d] May 2005.
[e] March 2006
[f] May 2007.

Table 2
1995 United Nations Fish Stocks Agreement Part VII Trust Fund: Expenditure Account as at 31 December 2007

		2004		*2005*		*2006*		*2007*		*Total*	
TOR[a]	*Expenditure category*	*United States dollars*	*Percentage*	*United States dollars*	*Percentage*	*United States dollars*	*Percentage*	*United States dollars*	*Percentage*	*United States dollars*	*Percentage*
14 a-b	Travel expenses for meeting participation	—	—	—	—	67 920	99	28 202	55	96 122	80
14 c	Establishment of new RFMO/As	—	—	—	—	—	—	22 381	43	22 381	19
14 d	Building capacity	—	—	—	—	—	—	—	—	—	—
14 e	Exchange of information	—	—	—	—	—	—	—	—	—	—
14 f	Conservation and management assistance	—	—	—	—	—	—	—	—	—	—
14 g	Dispute settlement	—	—	—	—	—	—	—	—	—	—
20	FAO administrative expenses	—	—	—	—	876	1	1 052	2	1 929	2
Total		**—**	**0**	**—**	**0**	**68 787**	**100**	**51 635**	**100**	**120 422**	**100**[b]

Note: Some figures may be subject to revision.
Abbreviations: TOR, Terms of Reference; RFMO/As, regional fisheries management organizations or arrangements; FAO, Food and Agriculture Organization of the United Nations.
[a] References are made to the relevant paragraphs of the Terms of Reference for the Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
[b] Does not add to 100 owing to rounding.